

Legislative Analysis



SUBSTITUTE TEACHING PROVISIONS

Phone: (517) 373-8080
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House Bill 4293 as passed by the House
Sponsor: Rep. John N. Damoose

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4294 (H-2) as passed by the House
Sponsor: Rep. Brad Paquette

Committee: Education
Complete to 7-13-21

SUMMARY:

Generally, the Revised School Code requires all schools to ensure that their teachers hold a valid teaching certificate (with exceptions for certain subject areas and for schools and teachers in the Detroit Public Schools Community District). However, the board of a school district or intermediate school district (ISD) may employ a person who does not have a teaching certificate to serve as a substitute teacher as long as that person has at least 60 semester hours of college credit or an associate degree from a college, university, or community college¹ or has qualifying expertise in an industrial technology education program or a career and technical education program.²

House Bill 4294 would amend the code to provide that, in addition to those exceptions, through June 30, 2022, the board of a school district or ISD could employ a person who does not have a teaching certificate to serve as a substitute teacher as long as both of the following are met:

- The person has a high school diploma or high school equivalency certificate and is employed by or works for the district or ISD.
- If the person's existing salary is higher than that of a substitute teacher for the district or ISD, that salary would not be lowered when serving as a substitute teacher, and if the existing salary is lower, it would be raised at least to the level of a substitute teacher when serving in that capacity.

Finally, a person who declined to be employed or reassigned to substitute teaching responsibilities could not be terminated or retaliated against solely for declining.

MCL 380.1233

House Bill 4293 would amend 1947 PA 336, known as the public employment relations act (PERA), to account for this change. It would add decisions about the employment of an individual as a substitute teacher as proposed in HB 4294 to the list of subjects that are not subject to collective bargaining between a public school employer and a bargaining representative of its employees.

MCL 423.215

¹ House Fiscal Agency analysis of 2018 PA 236 (House Bill 4069): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-4069-2C7147E4.pdf>

² House Fiscal Agency analysis of 2018 PA 418 (House Bill 4421): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-4421-8B8E0D66.pdf>

The bills are tie-barred together, which means that neither bill could take effect unless both bills were enacted.

BACKGROUND:

The H-3 substitute for House Bill 4342 of the 2019-20 legislative session³ proposed the same exceptions as are in HB 4294, but for the 2020-2021 school year only. That flexibility was contemplated in order to meet the unique staffing concerns brought about by COVID-19, both in juggling remote and hybrid schooling and in addressing teacher absences due to COVID-19–related illnesses.

As introduced, HB 4294 would have allowed the exceptions through June 30, 2026. An H-2 substitute adopted on the House floor changed the end date to June 30, 2022.

FISCAL IMPACT:

House Bills 4293 and 4294 would have no impact on the state and would have an indeterminate impact on local school districts, ISDs, and public school academies (PSAs) depending on how they respond to the increased flexibility for hiring substitutes and how they employ qualified individuals in both their regular positions and as substitute teachers.

House Bill 4293 would not have an appreciable fiscal impact on the Michigan Employment Relations Commission within the Department of Labor and Economic Opportunity.

POSITIONS:

The Michigan Association of Superintendents and Administrators indicated support for the bills. (4-13-21)

The Michigan Manufacturers Association indicated support for HB 4294. (4-13-21)

The following entities indicated opposition to the bills (4-13-21):

- Michigan Education Association
- AFT–Michigan
- Michigan Association of Secondary School Principals

The Michigan Department of Education indicated opposition to HB 4294. (4-13-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

³ House Fiscal Agency summary of House Bill 4342 (H-3) of 2019-20:
<http://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-4342-EF011760.pdf>