

Act No. 116  
Public Acts of 2023  
Approved by the Governor  
July 26, 2023  
Filed with the Secretary of State  
July 27, 2023  
EFFECTIVE DATE: July 1, 2024

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Reps. Skaggs, O'Neal and Shannon

## **ENROLLED HOUSE BILL No. 4820**

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1248 (MCL 380.1248), as added by 2011 PA 102.

*The People of the State of Michigan enact:*

Sec. 1248. (1) This section does not prohibit, impair, or limit the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining under 1947 PA 336, MCL 423.201 to 423.217. However, a collective bargaining agreement must include, at a minimum, the standards in this section.

(2) For teachers, as defined under section 1249, when filling a vacancy, placing a teacher in a classroom, or conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position, the board of a school district or intermediate school district or the board of directors of a public school academy shall not adopt, implement, maintain, or comply with a policy or collective bargaining agreement that provides length of service as the sole factor in personnel decisions. This subsection does not prevent length of service from being considered as a tiebreaker if a personnel decision involves 2 or more employees and all other factors distinguishing those employees from each other are equal.

(3) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt, implement, maintain, and comply with clear and transparent procedures for all personnel decisions under this section. Effectiveness as measured under the performance evaluation system in section 1249 or as otherwise collectively bargained must be used as a factor for personnel decisions under this section. Any other relevant factors may be used for personnel decisions under this section, including, but not limited to, the following:

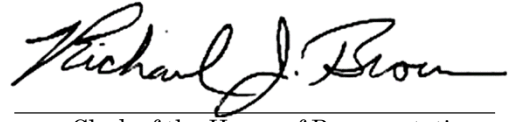
(a) The teacher's length of service in a grade level or subject area.

(b) The teacher's disciplinary record.

(c) Relevant special training. This factor may be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.

Enacting section 1. This amendatory act takes effect July 1, 2024.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4354 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor

**Compiler's note:** House Bill No. 4354, referred to in enacting section 2, was filed with the Secretary of State July 27, 2023, and became 2023 PA 115, Eff. Feb. 13, 2024.