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ALLOW DISTRICTS TO CONTRACT FOR SUBSTITUTE TEACHERS

House Bill 5750

Sponsor: Rep. Ruth Johnson

Committee: Education

Complete to 5-12-00

A SUMMARY OF HOUSE BILL 5750 AS INTRODUCED 5-9-00

House Bill 5750 would amend the Revised School Code to allow school districts to contract for substitute teachers, and to exempt those substitute teachers from certain requirements under the law.

Currently, a school district hires and contracts with qualified teachers by entering into written contracts. A copy of the contract is filed with the board secretary and a duplicate copy is furnished to the teacher. A contract with a teacher is not valid unless the person holds a legal certificate of qualification, and retains that certificate throughout the contractual period. Further, the law specifies that the board of a school district may enter into a continuing contract with a certificated teacher, after a teacher has been employed at least two consecutive years by the board. Under House Bill 5750, these provisions of the law would not apply to substitute teachers.

Also under current law, if a teacher is employed as a substitute with an assignment to one specific teaching position, then after 60 days of service in that assignment, the teacher must be granted leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district. Further, if a teacher is employed as a substitute teacher for 150 days or more during a school year, or is employed as a substitute teacher for 180 days or more by an intermediate school district (ISD), the teacher must be given, during the balance of the school year or during the next succeeding school year, only the first opportunity to accept or reject a contract for which the substitute teacher is certified, after all other teachers of the school district are re-employed in conformance with the terms of a master contract of an authorized bargaining unit and the employer. Under House Bill 5750, these provisions would not apply to a substitute teacher who was contracted or employed by a person or entity that contracts with a school district or intermediate school district under section 1236a, a new section proposed by the bill.

Instead, section 1236a of House Bill 5750 would allow the board of a school district or ISD to enter into a contract with a person or entity to furnish substitute teachers to the district. That contract would be required to include the following: a) assurance that the person or entity would furnish the school district or ISD with certificated teachers in accordance with the act and rules

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promulgated under it; b) assurance that the person or entity would not furnish any teacher who, if employed directly by the school district or ISD, would be ineligible for employment by the school district or ISD as a substitute teacher; c) a description of the level of compensation and fringe benefits to be provided to employees of the person or entity who are assigned to the school district or ISD as substitute teachers; and, d) a description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the school district or ISD under the contract. [Under the bill, “entity” is defined to mean a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity.]

House Bill 5750 also specifies that a school district or ISD that contracts with a person or entity to furnish substitute teachers could purchase liability insurance to indemnify and protect the school district or ISD and the person or entity against losses or liabilities that arose out of any claim for personal injury or property damage caused by the district or ISD, its officers, employees, or agents. Under the bill, a school district or ISD could pay the insurance premiums out of its operating funds. However, the existence of any insurance policy would not be a waiver of any defense otherwise available to the school district or ISD in the defense of a claim.

Finally, House Bill 5750 also would eliminate an outdated provision that a contract in a primary school district require the teacher to keep a correct list of the pupils, grading, and age of each pupil attending the school, the number of days each pupil is present, and the aggregate attendance, and to file this information with the intermediate superintendent and with the secretary of the board at the end of the school year. This provision also specifies that a teacher cannot receive his or her last payment for services until that report is filed.

MCL 380.1231, 380.1236, and 380.1236a

Analyst: J. Hunault

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