

HOUSE BILL No. 4721

May 22, 2003, Introduced by Reps. Caswell, LaJoy, Moolenaar, Farhat and Brandenburg and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1229 and 1277 (MCL 380.1229 and 380.1277), section 1229 as added by 1995 PA 289 and section 1277 as amended by 1997 PA 179, and by adding section 1238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1229. (1) The board of a school district, other than a
2 school district that was organized as a primary school district
3 during the 1995-1996 school year, or intermediate school district
4 shall employ a superintendent of schools, who shall meet the
5 requirements of section 1246. The superintendent shall not be a
6 member of the board. Employment of a superintendent shall be by
7 written contract. The term of the superintendent's contract
8 shall be fixed by the board, not to exceed 5 years. If written
9 notice of nonrenewal of the contract of a superintendent is not

1 given at least 90 days before the termination of the contract,
2 the contract is renewed for an additional 1-year period.

3 (2) The board of a school district or intermediate school
4 district may employ assistant superintendents, principals,
5 assistant principals, guidance directors, and other
6 administrators who do not assume tenure in that position under
7 ~~Act No. 4 of the Public Acts of the Extra Session of 1937, being~~
8 ~~sections 38.71 to 38.191 of the Michigan Compiled Laws 1937 (Ex~~
9 ~~Sess) PA 4, MCL 38.71 to 38.191.~~ The employment shall be by
10 written contract ~~—~~ **and is subject to all of the following:**

11 (a) **The term of the employment contract for a school**
12 **principal shall be at least 2 years and shall not exceed 3**
13 **years. Subject to section 1238, the board shall prescribe the**
14 **duties of a school principal. If written notice of nonrenewal of**
15 **a school principal's contract is not given at least 90 days**
16 **before the termination date of the contract, the contract is**
17 **renewed for an additional 1-year period.**

18 (b) **The term of the employment contract for an administrator**
19 **described in this subsection other than a school principal shall**
20 **be fixed by the board, not to exceed 3 years. The board shall**
21 **prescribe the duties of a person described in this ~~subsection~~**
22 **subdivision. If written notice of nonrenewal of the contract of**
23 **a person described in this ~~subsection~~ subdivision is not given**
24 **at least 60 days before the termination date of the contract, the**
25 **contract is renewed for an additional 1-year period.**

26 (3) A notification of nonrenewal of contract of a person
27 described in subsection (2) may be given only for a reason that

1 is not arbitrary or capricious. The board shall not issue a
2 notice of nonrenewal under this section unless the affected
3 person has been provided with not less than 30 days' advance
4 notice that the board is considering the nonrenewal together with
5 a written statement of the reasons the board is considering the
6 nonrenewal. After the issuance of the written statement, but
7 before the nonrenewal statement is issued, the affected person
8 shall be given the opportunity to meet with not less than a
9 majority of the board to discuss the reasons stated in the
10 written statement. The meeting shall be open to the public or a
11 closed session, as the affected person elects under section 8 of
12 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
13 ~~being section 15.268 of the Michigan Compiled Laws~~ **1976 PA 267,**
14 **MCL 15.268.** If the board fails to provide for a meeting with the
15 board, or if a court finds that the reason for nonrenewal is
16 arbitrary or capricious, the affected person's contract is
17 renewed for an additional 1-year period. This subsection does
18 not apply to the nonrenewal of the contract of a superintendent
19 of schools described in subsection (1).

20 **Sec. 1238. (1) Subject to subsection (3), the board of a**
21 **school district, local act school district, or intermediate**
22 **school district or board of directors of a public school academy**
23 **shall ensure that each school principal it employs has at least**
24 **all of the following powers and duties:**

25 (a) To hire and assign duties to all staff employed at or
26 assigned to the school. This includes, but is not limited to,
27 the right to refuse to have a particular staff member assigned to

1 that school. This subdivision does not apply to staff assigned
2 on a regular basis to more than 1 school.

3 (b) To meet and work with the local superintendent and the
4 board or board of directors to develop a proposed budget for the
5 school.

6 (c) To review and to modify a school improvement plan
7 developed for the school under section 1277 or under any other
8 law.

9 (d) To receive compensation according to his or her job
10 performance and to earn incentives for high pupil achievement.

11 (2) Subject to subsection (3), in addition to the powers
12 under subsection (1), with the approval of the board of the
13 school district, local act school district, or intermediate
14 school district or the board of directors of the public school
15 academy, a school principal may establish at the school a method
16 of compensation based on job performance and job accomplishments
17 and establish other incentives to reward staff at the school for
18 high pupil achievement. The method of compensation shall use
19 objective criteria for evaluating job performance.

20 (3) Until the expiration of a collective bargaining agreement
21 in effect for a school district, local act school district,
22 intermediate school district, or public school academy as of the
23 effective date of this section, the applicability of this section
24 to that school district, local act school district, intermediate
25 school district, or public school academy is subject to that
26 collective bargaining agreement.

27 Sec. 1277. (1) Considering criteria established by the

1 state board, in addition to the requirements specified in section
2 1280 for accreditation under that section, if the board of a
3 school district wants all of the schools of the school district
4 to be accredited under section 1280, the board shall adopt and
5 implement and, not later than September 1 each year, shall make
6 available to the department a copy of a 3- to 5-year school
7 improvement plan and continuing school improvement process for
8 each school within the school district. The school improvement
9 plans shall include, but are not limited to, a mission statement,
10 goals based on student academic objectives for all students,
11 curriculum alignment corresponding with those goals, evaluation
12 processes, staff development, development and utilization of
13 community resources and volunteers, the role of adult and
14 community education, libraries and community colleges in the
15 learning community, and building level decision making. School
16 board members, school building administrators, teachers and other
17 school employees, pupils, parents of pupils attending that
18 school, and other residents of the school district shall be
19 invited and allowed to voluntarily participate in the
20 development, review, and evaluation of the district's school
21 improvement plans. **Before a school improvement plan for a school**
22 **is finalized, the plan shall be submitted to the school principal**
23 **for his or her review for the purposes of subsection (3).** Upon
24 request of the board of a school district, the department and the
25 intermediate school district shall assist the school district in
26 the development and implementation of district school improvement
27 plans. Educational organizations may also provide assistance for

1 these purposes. School improvement plans described in this
2 section shall be updated annually by each school and by the board
3 of the school district.

4 (2) School improvement plans shall include at least all of
5 the following additional matters:

6 (a) Goals centered on student academic learning.

7 (b) Strategies to accomplish the goals.

8 (c) Evaluation of the plan.

9 (d) Development of alternative measures of assessment that
10 will provide authentic assessment of pupils' achievements,
11 skills, and competencies.

12 (e) Methods for effective use of technology as a way of
13 improving learning and delivery of services and for integration
14 of evolving technology in the curriculum.

15 (f) Ways to make available in as many fields as practicable
16 opportunities for structured on-the-job learning, such as
17 apprenticeships and internships, combined with classroom
18 instruction.

19 **(3) A school improvement plan under this section is subject**
20 **to modification by the school principal, as provided under**
21 **section 1238.**

22 **(4) ~~(3)~~** Each intermediate school board shall adopt and
23 implement and, not later than September 1 each year, shall make
24 available to the department a copy of a 3- to 5-year intermediate
25 school district school improvement plan and continuing school
26 improvement process for the intermediate school district.
27 Constituent and intermediate school board members, school

1 building administrators, teachers and other school employees,
2 pupils, parents of pupils, and residents of the intermediate
3 school district shall be invited and allowed to voluntarily
4 participate in the development, review, and evaluation of the
5 intermediate school district's school improvement plan. Upon
6 request of the intermediate school board, the department shall
7 assist the intermediate school district in the development and
8 implementation of an intermediate school district school
9 improvement plan. An intermediate school district school
10 improvement plan described in this section shall be updated
11 annually by the intermediate school board. An intermediate
12 school district school improvement plan shall include at least
13 all of the following:

14 (a) Methods to assist **school districts and public school**
15 **academies** in improving pupils' academic learning.

16 (b) Assurance that all pupils **within the intermediate school**
17 **district** have reasonable access to all programs offered by the
18 intermediate school district, including, but not limited to,
19 transportation if necessary.

20 (c) A plan for professional development that supports
21 academic learning.

22 (d) Methods to assist school districts **and public school**
23 **academies** in integrating applied academics and career and
24 employability skills into all curricular areas.

25 (e) Ways to make available in as many fields as practicable
26 opportunities for structured on-the-job learning, such as
27 apprenticeships and internships, combined with classroom

1 instruction.

2 (f) Collaborative efforts with supporting agencies that
3 enhance academic learning.

4 (g) Long-range cost containment measures, including
5 additional services that might be provided at reduced costs by
6 the intermediate school district or through cooperative programs,
7 and cost reduction programs such as interdistrict cooperation in
8 special education and other programs and services.

9 (h) To the extent that it would improve school effectiveness,
10 specific recommendations on consolidation or enhanced
11 interdistrict cooperation, or both, along with possible sources
12 of revenue.

13 (i) Evaluation of the plan.

14 (5) ~~-(4)-~~ The state board shall annually review a random
15 sampling of school improvement plans. Based on its review, the
16 state board shall annually submit a report on school improvement
17 activities planned and accomplished by each of the school
18 districts and intermediate school districts that were part of the
19 sampling to the senate and house committees that have the
20 responsibility for education legislation.