



# HOUSE BILL No. 5219

November 18, 1993, Introduced by Reps. Jaye and Cropsey and referred to the Committee on Labor.

A bill to amend section 1284 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

as amended by Act No. 143 of the Public Acts of 1992, being section 380.1284 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1284 of Act No. 451 of the Public Acts  
2 of 1976, as amended by Act No. 143 of the Public Acts of 1992,  
3 being section 380.1284 of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 1284. (1) The board of a school district shall deter-  
6 mine the length of the school ~~term. The minimum number of days~~  
7 ~~of student instruction shall be 180~~ YEAR, AND SHALL PROVIDE AT  
8 LEAST 180 DAYS AND 900 HOURS OF PUPIL INSTRUCTION. NOT LATER  
9 THAN JULY 1 OF EACH YEAR, THE BOARD OF A SCHOOL DISTRICT SHALL

1 ADOPT AND PUBLISH A SCHEDULE FOR THE SCHOOL YEAR, WITH A SPECIAL  
2 SCHEDULED STARTING DATE AND ENDING DATE, FOR THE SCHOOL YEAR THAT  
3 BEGINS IN THAT CALENDAR YEAR. UNLESS THE SCHOOL DISTRICT SCHED-  
4 ULES AN EXTENDED SCHOOL YEAR OF MORE THAN 180 DAYS OF PUPIL  
5 INSTRUCTION, THE SCHOOL YEAR SHALL BE SCHEDULED TO BEGIN NOT  
6 LATER THAN THE WEDNESDAY AFTER LABOR DAY AND TO END NOT LATER  
7 THAN THE END OF THE SECOND FULL WEEK IN JUNE. Except as provided  
8 in section 101 of the state school aid act of 1979, being  
9 section 388.1701 of the Michigan Compiled Laws, a district fail-  
10 ing to hold 180 days AND 900 HOURS of ~~student~~ PUPIL instruction  
11 shall forfeit 1/180 of its total state school aid for each day of  
12 failure. Not later than August 1, the board of each district  
13 shall certify to the state board the number of days of ~~student~~  
14 PUPIL instruction in the previous school year. If the district  
15 did not hold at least 180 days AND 900 HOURS of ~~student~~ PUPIL  
16 instruction, the deduction of state school aid shall be made in  
17 the following fiscal year from the first payment of state school  
18 aid. Days lost because of strikes or teachers' conferences shall  
19 not be counted as days of ~~student~~ PUPIL instruction.

20 (2) IF THERE IS A TEACHER STRIKE IN A SCHOOL DISTRICT THAT  
21 OCCURS ON OR AFTER THE SCHEDULED STARTING DATE FOR THE SCHOOL  
22 YEAR, THE BOARD OF THE SCHOOL DISTRICT SHALL ENSURE THAT THE MIN-  
23 IMUM 180 DAYS AND 900 HOURS OF PUPIL INSTRUCTION ARE PROVIDED  
24 ACCORDING TO THE SCHOOL YEAR SCHEDULE ADOPTED BY THE BOARD BY  
25 HIRING SUBSTITUTE TEACHERS TO PROVIDE THE NECESSARY INSTRUCTION.

26 (3) IF A TEACHER EMPLOYED BY A SCHOOL DISTRICT PARTICIPATES  
27 IN A TEACHER STRIKE IN THE SCHOOL DISTRICT OCCURRING ON OR AFTER

1 THE SCHEDULED STARTING DATE FOR THE SCHOOL YEAR, THE TEACHER  
2 SHALL FORFEIT, AND THE SCHOOL DISTRICT SHALL WITHHOLD, 1/180 OF  
3 THE TEACHER'S ANNUAL SALARY FOR EACH DAY OF PUPIL INSTRUCTION  
4 DURING WHICH THE STRIKE OCCURS. SALARY FORFEITED AND WITHHELD  
5 UNDER THIS SUBSECTION IS NOT WAGES EARNED BY THE TEACHER FOR THE  
6 PURPOSES OF ANY STATE LAW. A SCHOOL DISTRICT SHALL NOT LENGTHEN  
7 OR OTHERWISE ALTER THE SCHEDULED SCHOOL YEAR IN A MANNER THAT  
8 WOULD ALLOW A TEACHER TO RECOVER ANY PART OF THE SALARY FORFEITED  
9 AND WITHHELD UNDER THIS SUBSECTION, AND AN EMPLOYMENT CONTRACT OR  
10 COLLECTIVE BARGAINING AGREEMENT COVERING THE TEACHER SHALL NOT  
11 PROVIDE FOR REIMBURSEMENT, EITHER DIRECTLY OR INDIRECTLY, OF ANY  
12 PART OF THE SALARY FORFEITED AND WITHHELD UNDER THIS SUBSECTION.

13 (4) ~~-(2)-~~ The state board shall promulgate rules for the  
14 implementation of this section.