A bill to amend 1976 PA 451, entitled "The revised school code,"
by amending section 1231 (MCL 380.1231), as amended by 2020 PA 23,
and by adding section 1851b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1231. (1) Except as otherwise provided in subsections (5), (6), and (7), the board of a school district shall hire and contract with qualified teachers. Contracts with teachers must be in writing and signed on behalf of the school district by a majority of the board, by the president and secretary of the board, or by the superintendent of schools or an authorized representative of the board. The contracts must specify the wages agreed upon.

(2) The board of a school district shall file a teacher's
contract with the secretary of the board and shall furnish a duplicate copy of the contract to the teacher.

(3) Except as otherwise provided under this act, a contract with a teacher is not valid unless the individual holds a valid teaching certificate or is engaged to teach under section 1233b at the time the contractual period begins or the individual is engaged to teach in a community district under section 1233c. A contract terminates if the certificate expires by limitation and is not renewed immediately or if it is suspended or revoked by proper legal authority.

(4) The board of a school district, after a teacher has been employed at least 2 consecutive years by the board, may enter into a continuing contract with a certificated teacher or a teacher engaged to teach under section 1233b or, for a community district, with an individual engaged to teach in a community district under section 1233c.

(5) The board of a school district that is a community district may employ or contract for, or both, qualified teachers and other qualified instructional personnel at a public school that formerly operated as an achievement school as necessary to carry out the purposes of the community district.

(6) If a school district partners with an education management organization for a dropout recovery program as described under in section 23a of the state school aid act of 1979, MCL 388.1623a, the teacher of record for that program may be employed by or contracted through the education management organization.

(7) If a school district is a provider of virtual courses under section 21f of the state school aid act of 1979, MCL 388.1621f, the board of the school district may contract for
qualified teachers and other qualified instructional personnel.

(8) (7) As used in this section:

(a) "Achievement school" means a public school formerly within the education achievement system that was operated, managed, authorized, established, or overseen by the achievement authority.

(b) "Education management organization" means that term as defined in section 23a of the state school aid act of 1979, MCL 388.1623a.

(c) "Provider" means that term as defined in section 21f of the state school aid act of 1979, MCL 388.1621f.

(d) (c) "Teacher" does not include a substitute teacher.

(e) (d) "Teacher of record" means that term as defined in section 23a of the state school aid act of 1979, MCL 388.1623a.

Sec. 1851b. (1) Subject to subsection (6), the department shall develop or adopt a program for the use of e-learning days that meets all of the requirements listed in subsection (4) that may, beginning with the 2021-2022 school year, be adopted and subsequently renewed and implemented by school districts, intermediate school districts, and public school academies.

(2) Subject to subsection (6), beginning with the 2021-2022 school year, the board of a school district or intermediate school district or board of directors of a public school academy, by a resolution of the board or board of directors, may adopt a research-based program or programs and subsequently renew its adoption of a research-based program or programs for e-learning days that permit pupil instruction to be received electronically or remotely on e-learning days. The board of a school district or intermediate school district or board of directors of a public school academy that adopts or renews a program or programs for e-
learning days under this subsection shall do both of the following:

(a) The board of an intermediate school district shall submit its adopted or renewed program or programs for e-learning days to the department not later than 14 days following the adoption or renewal. The board of a school district shall submit its adopted or renewed program or programs for e-learning days to its intermediate school district not later than 14 days following the adoption or renewal. The board of directors of a public school academy shall submit its adopted or renewed program or programs for e-learning days to its authorizing body not later than 14 days following the adoption or renewal.

(b) Make its adopted or renewed program or programs for e-learning days accessible through the transparency reporting link located on the school district's, intermediate school district's, or public school academy's website.

(3) A program or programs described in this section must not provide for e-learning days each school year in an amount that exceeds the number of e-learning days that may be counted as days of pupil instruction under section 101(4)(b), (c), and (d) of the state school aid act of 1979, MCL 388.1701, for that school year, as specified in that section.

(4) A school district, intermediate school district, or public school academy shall not implement a program or programs described in subsection (2) unless the board of the school district or intermediate school district or board of directors of the public school academy ensures that, at a minimum, all of the following are met:

(a) All pupils enrolled in the school district, intermediate school district, or public school academy that will be implementing
the program or programs will have access to the program or programs.

(b) The specific needs of each pupil who will participate in the program or programs are taken into account, including, but not limited to, the needs of special education pupils and pupils identified as English language learners.

(c) The program or programs are designed to comply with other requirements under this act and the state school aid act of 1979.

(d) Except as otherwise provided under subdivision (g), all teachers and other school staff who will be participating in the program or programs will have access to any and all necessary hardware or software for participation in the program or programs.

(e) The program or programs offer at least 5 hours of instructional content or schoolwork on each e-learning day.

(f) Except as otherwise provided under subdivision (g), the program or programs provide for, at a minimum, computers, internet, and other forms of electronic communication that are required for the program or programs and that can be accessed from home or from other appropriate remote facilities by all pupils participating in the program or programs.

(g) The program or programs provide for nonelectronic materials to be made available to both of the following individuals if both of the following individuals are not provided with access to the necessary technology for the program or programs:

(i) Pupils who are participating in the program or programs.

(ii) Teachers or other school staff who are participating in the program or programs.

(h) The program or programs provide for appropriate learning opportunities for pupils with special needs.
(i) The program or programs provide for a method to verify each pupil's participation in the program or programs.

(j) The program or programs provide for a process for tracking pupil progress and for addressing the extent to which pupil participation is within the pupil's control with regard to the time, pace, and means of learning.

(k) The program or programs provide for effective notice to pupils and their parents or legal guardians concerning the use of particular school days as e-learning days.

(l) The program or programs provide for adequate training in the use of the program or programs for pupils, teachers, and other school staff who will participate in the program or programs.

(m) The program or programs provide for a means of ensuring that protocol concerning the general expectations and responsibilities of the program or programs is communicated to teachers, other school staff members, and pupils who will participate in the program or programs and the parents and legal guardians of pupils.

(5) An adoption of a program or programs by a school district, intermediate school district, or public school academy or the renewal of an adoption of a program or programs by a school district, intermediate school district, or public school academy under this section expires 1 year after the adoption or renewal.

(6) Before a program or programs are adopted or the adoption is renewed by the board of a school district or intermediate school district or board of directors of a public school academy under this section, a public hearing on the proposed adoption or renewal of the adoption of the program or programs must be held. All of the following must be met concerning a public hearing described in this
subsection:

(a) The public hearing must be held at a meeting of the board or board of directors and is subject to the same requirements that apply to a meeting under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(b) The terms of the proposed program or programs subject to adoption or renewal must be substantially presented at the public hearing.

(c) The public hearing must provide for the opportunity for public comments.

(d) Notice of the public hearing must be provided not later than 10 days before the hearing through written or electronic means designed to reach the parents or legal guardians of all pupils enrolled in the school district, intermediate school district, or public school academy.

(7) A program or programs for e-learning days under this section may provide for pupil instruction and interaction between teachers and pupils participating in the program or programs through the use of any of the following forms of electronic communication that meet the needs of all pupils participating in the program or programs:

(a) The internet.

(b) Telephones.

(c) Text messaging.

(d) Online chat room platforms.

(e) Means of electronic communication that are similar to those listed in subdivisions (a) to (d).

(8) The department may promulgate rules to implement this section that are consistent with this section.
(9) As used in this section, "e-learning day" means any of the following:

(a) A day on which pupil instruction is received electronically or remotely through a program or programs adopted or renewed under this section while pupils are not physically present at school because the school is closed due to conditions described in section 101(4)(a) of the state school aid act of 1979, MCL 388.1701.

(b) A day that is preplanned by the school district, intermediate school district, or public school academy on which pupil instruction is received electronically or remotely through a program or programs adopted or renewed under this section while pupils are not physically present at school. A day described in this subdivision cannot be scheduled to occur on a Monday or Friday, on a day immediately before or immediately following a scheduled break during which the schools operated by the school district, intermediate school district, or public school academy will not be in session, or on consecutive days.

(c) A day on which pupil instruction is received electronically or remotely through a program or programs adopted or renewed under this section while pupils are not physically present at school because the school district, intermediate school district, or public school academy that operates the school closes the school as required under subsection (11) after receiving a notice from the superintendent of public instruction under subsection (11).

(10) The board of a school district or intermediate school district or board of directors of a public school academy that adopts or renews its adoption of a program or programs for e-
learning days under this section shall ensure that e-learning days
as described in subsection (9)(b) are identified on its school
calendar for each school year.

(11) If the governor issues an executive order declaring a
state of emergency or state of disaster and, pursuant to that
executive order, 1 or more public schools is required to close, the
superintendent of public instruction shall send a notice of the
required closure to the school district, intermediate school
district, or public school academy that operates each school that
is required to close under the order. The notice described in this
subsection must specify the days for which the school must remain
closed under the order. A school district, intermediate school
district, or public school academy that has adopted or renewed a
program or programs under this section, upon receiving a notice
under this subsection, shall close the applicable school on the
days specified in the notice and provide pupil instruction
electronically or remotely through the program or programs it
adopted or renewed under this section on those days.

(12) The amendatory act that added this section must not be
construed as imposing mandates on nonpublic schools.

Enacting section 1. This amendatory act does not take effect
unless all of the following bills of the 100th Legislature are
enacted into law:

(a) House Bill No. 5911.
(b) House Bill No. 5912.
(c) House Bill No. 5913.