

MEMO



To: Members of the House Committee on Education



From: MI Association of School Boards

MI Association of Superintendents & Administrators Calhoun ISD MI Alliance for Student Opportunity Oakland Schools MI Association of Secondary School Principals Genesee ISD

Education Advocates of West MI

School Equity Caucus MI Association of Intermediate School Administrators

MI Association of Administrators of Special Education Wayne RESA MI Association of Elementary & Middle School Principals Macomb ISD



June 20, 2023 Date:



We write today to express our concerns with House Bill 4820. We represent school administrators



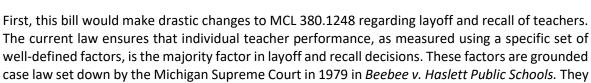
SUPPORTING REGIONAL EDUCATION SERVICE AGENCIES

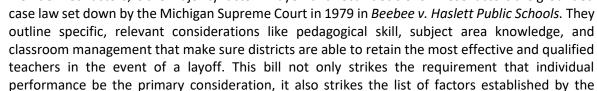
and board members who are responsible for the education of students in their districts and are accountable to parents who expect the best for their children.

The current law was designed to preclude the use of seniority-based systems of layoff and recall (also known as last-in-first-out), which discriminate against new and younger teachers. This bill would change the purpose of the section by adding two new functions: filling vacancies and teacher placement. It appears to be aimed at ensuring that seniority is not the sole factor for either layoff or placement, but in making these changes it fails to address the underlying issues we have raised throughout the debate over changes to the Public Employee Relations Act (PERA) relative to prohibited subjects of collective bargaining and creates additional issues related to layoff and recall.



Principals Leading Learning





Michigan Supreme Court.



OaklandSchools



Genesee Intermediate **School District**







Moreover, the bill changes the way seniority can be used in personnel decisions. Under current law, it can already be a tiebreaker factor in the event of a layoff or recall, but it cannot be the "primary or determining factor." Under this bill, districts would be prohibited from using seniority as the sole factor in personnel decisions, but the language would still allow seniority to serve as the primary or determining factor. When combined with other changes made by the proposed legislation and the changes to collective bargaining proposed in HB 4354, we are concerned that the result would be a return to a system of personnel decisions based in significant part on staff seniority rather than the needs of students and the skill of teachers.

We agree with what appears to be the intent of this legislation: ensuring that seniority is not the driving force in school personnel decisions. Such systems are not in the best interest of our students. However, removing factors such as a teacher's pedagogical skill, subject area knowledge, and classroom management from layoff and recall decisions, removes protections for our best teachers. Additionally, school administrators need to be able to consider many factors, including student course selection, student needs (including special education needs), curriculum requirements, and teacher training and credentials when making placement decisions. This bill accounts for none of those issues.

Thank you for your consideration of our concerns. Attached is a memo from Thurn Law Firm, P.C. that further outlines the legal concerns with the proposed changes to this section of law.

If you have any questions, please do not hesitate to reach out to any of the organizations listed.

cc: Members of the Senate Committee on Education