

"RACE TO THE TOP" EDUCATION REFORM

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House Bill 4787 as enrolled
Sponsor: Rep. Tim Melton

House Bill 4788 as enrolled
Sponsor: Rep. Bert Johnson

House Bill 5596 as enrolled
Sponsor: Rep. Phillip Pavlov

Senate Bill 926 as enrolled
Sponsor: Sen. Buzz Thomas

Senate Bill 981 as enrolled
Sponsor: Sen. Wayne Kuipers

House Committee: Education
Senate Committee: Education

Complete to 12-28-09

A PRELIMINARY SUMMARY OF HOUSE BILLS 4787, 4788 & 5596 AND SENATE BILLS 926 & 981 AS ENROLLED

These bills embody what has been termed the "Race to the Top" legislation. Among the key features, the legislation would:

- Identify the lowest achieving five percent of public schools, place them under the supervision of a state school reform/redesign officer, and then employ various intervention models to improve student achievement in those schools.
- Allow for the modification of collective bargaining agreements based on the model of intervention chosen for low-achieving schools.
- Create new charter schools referred to as "schools of excellence," as well as the creation of "cyber schools" aimed at serving at-risk students online.
- Raise the school-leaving age from 16 to 18, beginning with students who enter grade 6 after 2009.
- Evaluate teachers and administrators based, in part, on student growth.
- Provide for an alternative method of teacher certification.
- Require the certification of school administrators.
- Allow for some additional flexibility in the state-mandated high school curriculum.

The bills are tie-barred so that none can go into effect unless the others are also enacted into law. A summary of each bill follows.

House Bill 4787

The bill amends the Revised School Code (MCL 380.1278b et al.) to:

- Increase the school-leaving age from 16 to 18. This will begin with students turning 11 after December 1, 2009, or who entered grade 6 after 2009. However, the school-leaving age would remain at 16 for students whose parents provided school officials with a written notice that their children had their permission to stop attending school.
- Expand opportunities for a student to receive a personal curriculum modifying the standard required high school curriculum. A teacher of that student or a school counselor could request the personal curriculum (in addition to a parent). The personal curriculum would be developed by a group that included a teacher who taught the student and whose expertise was in the subject matter being modified. The student must have completed (although need not have passed) at least 1 1/2 credits of mathematics before a curriculum could be modified. Previously 2 1/2 credits were required. (There is no requirement, however, that a school district provide a student with a personal curriculum.)
- Provide for the identification of the lowest achieving 5 percent of public schools and place them under the supervision of a state school reform/redesign officer. This process would begin in 2010 and take place no later than September 1 of each year.
- Require the governing body of those low-achieving schools to submit a redesign plan to the reform/redesign officer within 90 days implementing one of four school intervention models: the *turnaround* model, the *restart* model, the *school closure* model, or the *transformation* model. The plan must be drafted in consultation with the local teacher bargaining unit and the local superintendent (or the emergency financial officer, if there is one). The plan must include an executed addendum to each applicable collective bargaining agreement in effect. The state reform/redesign officer would approve, disapprove, or make changes to the plan within 30 days. The local board would have 30 days to incorporate recommended changes and resubmit the plan. A disapproval could be appealed to the state Superintendent of Public Instruction. Once a plan is implemented, the school board must send regular monitoring reports to the state reform officer.
- Create a single State School Reform/Redesign School District made up of all public schools whose redesign plans had been disapproved, as well as all of those schools whose redesign plans were not achieving satisfactory results. One of the four models would then be put in place in each affected school at the beginning of the next school year, and an addendum to the collective bargaining agreement would be put in place to implement the school intervention model. The state reform officer would act as the superintendent of the special district. In the special district, any contractual or other seniority system that would otherwise apply would not be applicable and any contractual or other work rules that were

impediments to implementing the redesign plan would not apply. However, unilateral changes in pay scales or benefits would not be allowed.

- Allow the appointment of a chief executive officer for multiple schools in cases where the state reform officer determined that better educational results are likely to be achieved by allowing a CEO to take control of those schools. The reform officer would make a recommendation to the state school superintendent that a CEO be appointed. If a CEO is appointed, he or she would impose one of the four school intervention models and the necessary addendum to collective bargaining agreements. The CEO would have the same powers and duties as the reform officer has for public schools placed in the state school reform/redesign school district, and would have to submit regular monitoring reports to the reform officer on the implementation and results of the intervention model.
- Alter collective bargaining agreements based on the model of intervention adopted.
 - For a *restart model* imposed on a low-achieving school, the state reform officer or the CEO would enter into an agreement with an educational management organization (EMO) to manage and operate the public school or schools. No collective bargaining agreement would be considered to be in effect under this model.
 - Under a *turnaround model*, any collective bargaining agreement would continue to apply with respect to pay scales and benefits, and, subject to any addendum to the agreement, an employee would continue to retain and accrue seniority rights.
- Limit the use of the transformational model so that if more than nine public schools operated by a district were on the lowest-achieving school list, the *transformation model* could not be implemented for more than 50 percent of them.
- Require the state reform officer to report at least annually to the standing committees of the Senate and House of Representatives having jurisdiction over education legislation on the progress being made in improving student proficiency due to these new measures.
- Require the Michigan Department of Education to post on its website both the final work rules and formula for identifying the lowest achieving five percent of public schools in each state and a list of the Michigan public schools identified as being among the lowest achieving five percent. This must be done as soon as practicable after the federal Department of Education adopts its final work rules and formula.

House Bill 4788

The bill amends Public Act 336 of 1947 (MCL 423.215), which establishes the bargaining rights of public employees. It does the following:

(1) Specifies that if a public school is placed in the state school reform/redesign school district, or is placed under a chief executive officer, then for the purposes of collective bargaining, the state reform officer or CEO is the public school employer. Further, the bill specifies that a public school employer's collective bargaining duty, and a collective bargaining agreement entered into, are both subject to modifications that may be required if a school implements certain school intervention models.

(2) Modifies the prohibition on collective bargaining between schools and employees over contracting for non-instructional support services so that the prohibition would only apply if the bargaining unit providing the non-instructional support services is given an opportunity to bid on the contract for the non-instructional support services on an equal basis as other bidders.

House Bill 5597

The bill amends the Revised School Code (MCL 380.1531i) to provide for an alternative process for teacher certification as authorized by the Michigan Department of Education.

The Superintendent of Public Instruction is to establish a process for an individual to earn an interim teaching certificate that would qualify a person both to teach in the public schools and to earn a permanent teaching certificate. The alternative certification process must meet all of the requirements for an alternate route to certification under the federal No Child Left Behind Act of 2001.

Under the alternative certification process specified in the bill, the state school superintendent could grant an interim teaching certificate to a person who (1) is participating in an alternative teaching program approved by the state superintendent; (2) holds a bachelor's, master's, doctorate, or professional degree from a regionally accredited college or university with a grade point average of at least 3.0 on a 4.0 scale (or the equivalent); and (3) passes both the basic skills examination and the appropriate available subject area examinations for each subject area in which the teacher applies to be certified.

To be an approved alternative teaching program, a program must demonstrate that it:

- Provides an intensive training program in teaching constituting at least 12 college credits hours, including training in child development or child psychology; family and community relationships; diverse learners; instructional strategies; and a form of field-based experience in the classroom.
- Has a proven record of producing successful teachers in one or more other states or is modeled after such a program.
- Only accepts individuals with bachelor's, master's, doctorates, or professional degrees from regionally accredited colleges and universities, and having a grade point average of at least 3.0 on a 4.0 scale (or the equivalent on another scale).

An individual who had an interim teaching certificate could be employed to teach in a public school in the same manner as a person holding a Michigan teaching certificate if the school district or charter school where the teacher taught under an interim teaching certificate provides intensive observation and coaching as prescribed by the state superintendent, and the teacher is making satisfactory progress toward meeting requirements for a Michigan teaching certificate.

The state school superintendent must develop standards for granting a Michigan teaching certificate after a teacher has demonstrated satisfactory teaching performance for three years under an interim teaching certificate. The state superintendent could promulgate the rules to implement the alternative certification program.

Senate Bill 981

The bill amends the Revised School Code (MCL 380.5 et al.) to:

- Allow the creation of up to 10 new charter schools in Michigan that will be known as schools of excellence. These schools could be authorized by local and intermediate school districts, community colleges, and public universities. The issuance of any contract would need to be approved by the state superintendent of public instruction. The first five new "schools of excellence" must be schools offering one or more high school grades (9-12). "Schools of excellence" cannot locate in a school district that has a graduation rate of over 75 percent, on average, for the most recent three years. The schools must employ certificated teachers or appropriate university and college faculty.
- Allow for the creation of two K-12 cyber schools. These schools, which would also fall under the rubric of schools of excellence, are to provide full-time instruction to students through online learning, and the entities establishing them must demonstrate experience in serving urban and at-risk students through an educational model involving a significant cyber component.
- Allow certain charter schools to convert to "schools of excellence."
 - For a K-8 school to convert, either (1) on average over a three-year period, at least 90 percent of the students enrolled must have achieved a score of proficient or better on the MEAP math and reading tests; or (2) in a school where at least 50 percent of students are eligible for the federal free or reduced lunch program, over a three-year period, at least 70 percent of the students must have achieved a score of proficient or better on the MEAP math and reading tests.
 - If the converting charter is a high school, then the school must have at least an 80 percent graduation rate, post 80 percent average attendance, and have at minimum an 80 percent postsecondary enrollment rate. Authorizers could give priority to schools that will work toward operating all of grades 9 to 12 within six years after they begin operation.

- Allow the authorizing body to replace a charter school that has been converted into a school of excellence.
- Prohibit charter school authorizers from issuing a new charter school contract in a school district that has a graduation rate of over 75.5 percent, on average, for the most recent three school years.
- Require an authorizer to revoke the charter of a school at the end of the school year if the state school superintendent notifies them that a school in operation for at least four years is among the lowest achieving five percent of all public schools in Michigan. This does not apply to a charter school that is an alternative school serving a special student population.
- Require school administrators to be certified after this law goes into effect, and grandfather-in those already administering schools. The law also requires the Michigan State Board of Education and the state school superintendent to develop the administrator certification program, as well as to recognize alternative pathways to earning a school administrator's certificate.
- Require that school boards, working with teachers and school administrators, implement a rigorous, transparent, and fair performance evaluation system that evaluates job performance at least annually; establishes clear approaches to measuring student growth and provides teachers and school administrators with relevant data on student growth; and evaluates job performance taking into account multiple rating categories with student growth as a significant factor. Job evaluations must be used to inform decisions about the following: job effectiveness (ensuring ample opportunities to improve); promotion, retention, and development (while providing coaching, instruction support, or professional development); whether to grant tenure or full certification (both to teachers and school administrators); and removing ineffective tenured and untenured teachers and administrators (after giving ample opportunities to improve and ensuring that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures).
- Provide high school curricular flexibility by allowing a student to complete algebra II over 1.5 years with 1.5 credits awarded, and to partially or fully fulfill the algebra II requirement by completing a formal career and technical education program, or a curriculum that has appropriate embedded mathematics content, such as a program in electronics, machining, construction, welding, engineering, or renewable energy. (Students are already allowed to complete algebra II over two years with two credits awarded.)

Senate Bill 926

The bill amends the State School Aid Act (MCL 388.1606 et al.) to make complementary amendments. The bill:

- Specifies that a student's participation in a cyber school's educational program is considered regular daily attendance for the purpose of state school aid reimbursement, and exempts the cyber schools from the state's minimum number of days and hours of instruction, and the minimum attendance requirements.
- Modifies the act's definition of "public school academy" (the legal term for a charter school) so that it corresponds to that term as it is defined in the Revised School Code.
- Appropriates any money received by Michigan from the federal incentive grant program created under the American Recovery and Reinvestment Act of 2009 (known as the "Race to the Top" grant program) during the fiscal year ending September 30, 2010.
- Requires the Center for Educational Performance and Information (located in the Office of the State Budget Director within the Department of Management and Budget) to create and implement a teacher identifier system with the ability to match an individual teacher and individual students that the teacher has taught. Subject to the laws governing student privacy, the system would have to: make annual state assessment records of individual students accessible; enable individual student academic achievement data, including academic growth, to be correlated to each teacher who has taught a student; and give school board members, teachers, and school administrators access to the data so they can make informed decisions in order to improve instruction and student achievement.
- Require that the governing boards of schools provide teachers with adequate access to "basic instructional supplies" (a phrase the Department of Education will define and publish electronically). A teacher or principal without "basic instructional supplies" could file a claim with the department, online or by telephone. The department would then contact the district, and within three business days, the district would have to respond--with either supplies or a corrective plan of action. If the department was not satisfied with the response, the department could investigate, or could withhold a portion of the total funds due the district, and use the money to provide supplies to the teacher.

FISCAL IMPACT:

A fiscal analysis is in process. This summary will be updated as additional information becomes available.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.