

# Legislative Analysis

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## REVISIONS TO SCHOOL CODE

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### House Bill 5623

**Sponsor: Rep. Tim Melton**

**Committee: Education**

**Complete to 12-2-09**

## A SUMMARY OF HOUSE BILL 5623 AS INTRODUCED 12-1-09

House Bill 5623 would amend ten sections of the Revised School Code and create three new sections to, among other things:

- Establish certain annual teacher evaluation requirements.
- Require charter school contract rewards to be based on student performance.
- Revise the compulsory attendance requirements to phase-in the school starting age to 5 and to raise the school-leaving age to 18.
- Require all-day kindergarten for schools failing to meet annual yearly progress under the federal No Child Left Behind Law of 2001.
- Require the certification of administrators.
- Allow schools to start classes before Labor Day.

A more detailed explanation of the bill follows.

Charter schools. A number of the provisions would modify the way charters schools are run. Currently a charter school authorized by a school district must assure that its employees are covered by the collective bargaining agreements that apply in the school district. The same is true when a school district operates a strict discipline academy. The bill would retain these provisions. However, the provisions would not apply if 20 percent or more of the schools operated by the district had been determined by the state school superintendent to be among the lowest achieving five percent of all public schools in the state (as defined for the purposes of the federal incentive grant program created under the American Recovery and Reinvestment Act of 2009). This provision would have to be included in the contract issued to organize and administer a charter school.

The bill also would require that all charter school contracts and strict discipline academy contracts include the term of the contracts and a description of the process and standards for renewal of the contracts at the end of the term. Under the bill, those standards for renewal would have to include change in student achievement as measured by assessments and other objective criteria as a significant factor in the decision of whether or not to renew the contracts.

School Attendance. The bill specifies that a person who resides in a school district has a right to attend school if the person is at least five years of age on December 1 and less than 20 years of age on September 1 of the school year; or if the person is a special

education student who is enrolled and receiving instruction in a special education program or service approved by the Department of Education and is less than 26 years of age on September 1 of the school year.

Compulsory Attendance. Under the bill, the parent or guardian of a child who turned age 14 on or after December 1, 2007, or who was age 14 before that date and who entered Grade 9 in 2008 or later, would have to send the child to public school during the entire school year until age 18. However, the bill would allow parents or legal guardians to provide written permission to the school district granting their children permission to stop attending school at age 16. Currently the school-leaving age is 16 years of age.

Beginning with the 2010-2011 school year, a child becoming five years of age on or before November 1 would be enrolled on the first day of the school year when the child's fifth birthday occurred. For the 2011-2012 school year, a child becoming five years of age on or before October 1 would be enrolled on the first school day of the year in which the child's fifth birthday occurred; and for the 2012-2013 school year, a child becoming five years of age on or before September 1 would be enrolled on the first school day of the year in which the child's fifth birthday occurred. Children who turn five years of age later than those dates would be enrolled the following year. Currently under the code, children must begin school during the year in which they become six years of age before December 1, or the following year if they turn six after December 1.

The bill retains the exceptions to compulsory attendance currently found in the law. In addition, the bill includes a new exception for children younger than age six on December 1 whose parents or legal guardians submit to the school district a signed waiver form. (The Department of Education would be required to develop and make available the waiver form that could be used for this purpose.)

Kindergarten. The bill requires that a school district or a charter school that provides Grade 1 also provide kindergarten. Under the bill, beginning with the 2012-2013 school year, the length of the school day for a school's kindergarten program must be the same as for other elementary school grades, if an elementary school had not met adequate yearly progress under the No Child Left Behind Act of 2001, as determined by the Michigan Department of Education, for the immediately preceding two school years.

Instructional Supplies. The bill requires that school governing boards (of traditional schools, ISDs, and charter schools) ensure that all teachers working in their schools and instructional program have adequate access to basic instructional supplies. If that is not the case, a teacher could file a claim with the Department of Education. The department would facilitate the filing of claims by having a telephone and online systems. If a claim were filed, the department could audit the district and school to find out why the teacher was without supplies, and could order the district to take corrective action. If the state received funds from the federal incentive grant program of the American Recovery and Reinvestment Act of 2009 (known as the "Race to the Top" grant program), the department could make supplies available to classrooms having a supply shortage. The

bill specifies that a governing board ensure that a teacher who filed a claim not be subject to any adverse treatment.

Administrator Certification. The bill would require that local and ISD districts and charter schools employ only administrators who have a valid Michigan School Administrator's Certificate issued under Section 1536 of the School Code. This provision would apply to superintendents, principals, assistant principals, and others whose primary responsibility is administering instructional programs, or who work as chief business officials. Currently under the law, a school administrator must only complete continuing education requirements developed by the state school superintendent and prescribed by rule. Districts could employ administrators enrolled in a program leading to certification not later than six months after the effective date of this legislation, or six months after the administrator began employment, whichever was later. A person who was employed as a school administrator would have three years to meet the certification requirements. A person failing to do so could not be employed as an administrator.

The bill would require the state school superintendent to develop a school administrator's certificate and issue it to all school district and intermediate school district superintendents, school principals, assistant principals, other administrators whose primary responsibility is administering instructional programs, and to chief business officials who meet certain requirements. Standards would be developed by the State Board of Education, and procedures developed by the superintendent of public instruction. Those standards and procedures would have to address at least: educational and professional experience requirements; continuing education requirements and periodic re-certification; procedures for the application for and issuance of certificates; and standards and procedures for suspension and revocation of a certificate. To develop these standards and procedures, the department would consult with appropriate professional organizations, including those representing superintendents and building-level administrators.

A school administrator's certificate would be valid for five years, and would be renewed upon completion of renewal credits, as determined by the state school superintendent. Under the bill, the state school superintendent would be required to promulgate the rules necessary to implement this section of the code.

Performance Evaluation System. The bill would require that the governing board of a school district adopt and implement for all teachers and school administrators a rigorous, transparent, and fair performance evaluation system that evaluated the teacher's or school administrator's job performance at least annually; and evaluated job performance at least in part based on data on change in student achievement as measured by assessments and other objective criteria.

School Start Before Labor Day. Now under the law, with a few exceptions, a school may not begin its students' academic year before Labor Day. The bill would eliminate that prohibition. Although the bill would allow officials to set the start of school before Labor

Day, it would prohibit school session on the Friday before the Labor Day weekend. (Labor Day means the first Monday in September.)

Educational Management Companies. The bill specifies that if a governing board of a public school enters into a contract with an Educational Management Company after the effective date of this legislation, then the board would have to ensure all of the following:

- that the governing board conducted sufficient due diligence to conclude that the company had educational expertise and management experience to provide the agreed services (including full consideration of student achievement data for other schools managed by the company as measured by assessments and other objective criteria);
- that the governing board obtain independent legal counsel in all negotiations with the educational management company; and,
- if the governing board ran a charter school, that under its contract with the company, the company provide to the board all financial and other information required to comply with the reporting requirements set by the charter school's authorizing body.

The bill also describes, in detail, the required components of a contract between a school district and an educational management company. The requirements include, among other things, background information about teachers, administrators, and support staff (including copies of certifications and credentials); information about the management company's business operations (including financial records, budgets, and detailed records of funds received from the state and other entities); and if a charter school, information needed to meet the reporting requirements of the authorizing body.

The bill defines "educational management company" to mean an entity that enters into an agreement with the governing body of a public school to provide comprehensive educational, administrative, management, or instructional services or staff to the public school. The term "entity" is defined to mean a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

#### **FISCAL IMPACT:**

The bill would have an indeterminate fiscal impact on the State and school districts.

A number of the provisions may create temporary or ongoing administrative costs to both schools and the Department of Education by creating new requirements, including that student achievement data be used in both public school academy contract renewal processes and teacher evaluations and that the Department create a claims system for teachers who do not have access to adequate to basic instructional supplies.

The bill could also create additional administrative costs for the Department in having to implement a school administrator certification program, but requiring all school

administrators to get a certificate would generate additional certification fee revenue. Currently the certificate is voluntary for administrators at a cost of \$160 (\$210 for an out-of-state applicant) for 5 years.

Both requiring students to attend school at age 5 instead of 6 and requiring attendance until age 18 rather than 16 will likely increase the number of students attending school and therefore could increase costs significantly for both the State and school districts. More detailed cost information regarding these two provisions will follow as soon as it is 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.