

REVISIONS TO SCHOOL CODE

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House Bill 5623 (Substitute H-1)

Sponsor: Rep. Tim Melton

Committee: Education

Complete to 12-8-09

A SUMMARY OF HOUSE BILL 5623 SUBSTITUTE H-1

House Bill 5623 (H-1) would amend ten sections of the Revised School Code and create one new section to, among other things:

- Establish certain annual teacher and school administrator evaluation requirements, including students' measured academic growth as a significant factor.
- Set compensation for school employees using student performance as a significant factor.
- Revise the compulsory attendance requirements to phase-in the school-starting age to five beginning in the 2012-2013 school year.
- Raise the school-leaving age to 18, and revise the truancy laws.
- Require the certification of school administrators after the effective date of the bill, and "grandfather" those now administering schools.
- Allow schools in the lowest achievement tier to start classes before Labor Day.

A more detailed explanation of the bill follows.

Charter schools. The bill would require that all charter school contracts and also all urban high school academy 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.

Until the 2010-2011 school year, a child becoming six years of age on or before December 1 would be enrolled on the first day of the school year when the child's fifth birthday occurred. 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. A child who turned five years of age after September 1 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.

Kindergarten. The bill requires that a school district or a charter school that provides Grade 1 also provide kindergarten, and entitles a child who is five on December 1 to enroll in district kindergarten.

Truancy. Currently under the law, children aged 7 to 16 in a school district are deemed juvenile disorderly persons and may be assigned to an un-graded school or department if they are class 1: habitual truants; class 2: incorrigibly turbulent, disobedient, insubordinate, or immoral in conduct; or class 3: not attending school and habitually frequenting streets and other public places having no lawful business, employment, or occupation. The bill would retain these provisions while removing the class 1, 2, and 3 designations, and would extend the provisions until a young person's 18th birthday for those who turned aged 14 on or after December 1, 2007, or were 14 before that date and entered Grade 9 in 2008 or after.

Administrator Certification; grandfather clause. Currently under the law, a school administrator must only complete continuing education requirements developed by the state school superintendent and prescribed by rule. The bill would prohibit a school district or charter school from continuing to employ a person as superintendent, principal, assistant principal, or other person whose primary responsibility was administering instructional programs, or as a chief business official, unless the person met one or more of the following requirements:

(a) had completed the continuing education requirements -- for a superintendent, principal, assistant principal, or other person whose primary responsibility was administering instructional programs, or a chief business official, who was employed as a school administrator in Michigan on or before the effective date of this legislation,; or

(b) possessed a valid Michigan school administrator's certificate -- for a superintendent, principal, assistant principal, or other person whose primary responsibility was administering instructional programs and who was initially employed as a school administrator in Michigan after the effective date of this legislation.

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 continue to be employed as an administrator.

The bill would require the state school board 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. 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 units, 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.

Alternative certification for administrators. Under the bill, the Department of Education would be required to recognize alternative pathways to earning the basic school administrator's certificate based on experience or alternative preparation, or both, if the alternative certification program was submitted by an established state professional organization, and met criteria set forth by state board-approved school administrator program preparation standards.

Performance Evaluation System. The bill would require that, with the involvement of teachers and school administrators, the governing board of a school district (including charter schools) 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, while providing timely and constructive feedback.

That performance evaluation system would have to establish clear approaches to measuring student growth and provide teachers and school administrators with relevant data on student growth; evaluate job performance using multiple rating categories that take into account data on student growth as a significant factor. (For these purposes, student growth would be measured by national, state, or local assessments and other objective criteria. Further, for data on student growth to be considered a significant factor, at least 60 percent of the evaluation would be directly based on that data.). The evaluation system would have to use the evaluations, at a minimum, to do all of the

following: determine the effectiveness of teachers and school administrators while ensuring that they are given ample opportunities for improvement; and inform decisions regarding promotion, retention, and development of teachers and school administrators, including providing relevant coaching, instructional support, or professional development.

Performance Compensation System. The bill would require that a school district or charter school implement and maintain a method of compensation for its employees that included job performance and job accomplishments as a significant factor in determining compensation and additional compensation. The assessment of job performance would have to incorporate the rigorous, transparent, and fair evaluation system that evaluated an employee's performance at least in part based upon data on student growth as measured by assessments and other objective criteria.

The bill specifies that if a collective bargaining agreement were in effect for employees of the school district or charter school on the effective date of this legislation, and if that collective bargaining agreement prevented compliance with this requirement, then the requirement would not apply to that school district or charter school until after the expiration of that collective bargaining agreement.

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 retain this prohibition, with exceptions.

If a public school had been determined by the state school superintendent to be among the lowest achieving five percent of all public schools in Michigan, as defined for the purposes of the federal incentive grant program created under Sections 14005 and 14006 of Title XIV of the American Recovery and Reinvestment Act of 2009, then this prohibition would not apply to that school, or others in the district. Although the bill would allow officials of the lowest tier schools 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.)

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state and on 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 evaluation and compensation systems.

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 would likely increase the number of students attending school and therefore could increase costs significantly for both the state and school districts. However, to the extent that parents choose to keep their 5-year-old children home through home-schooling and that parents attain waivers to allow their children to leave school after their 16th birthday, those costs would be diminished. 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.