



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 754 (Substitute S-1 as passed by the Senate)  
Senate Bill 755 (Substitute S-1 as passed by the Senate)  
Senate Bills 763, 765, and 766 (as passed by the Senate)

Sponsor: Senator Phil Pavlov (S.B. 754)  
Senator Marty Knollenberg (S.B. 755)  
Senator Wayne Schmidt (S.B. 763)  
Senator Dale W. Zorn (S.B. 765)  
Senator Goeff Hansen (S.B. 766)

Committee: Education

Date Completed: 10-11-16

### **RATIONALE**

State and Federal laws impose various reporting and other requirements on school districts. Evidently, school administrators must submit hundreds of reports each school year. A number of these requirements are said to be redundant or obsolete, or have otherwise been supplanted by more recently enacted State or Federal mandates. In some cases, it is thought that identical information is reported to multiple agencies. Some believe that simplification of the State's education laws would make it easier for school administrators to comply. Accordingly, it has been suggested that many of these statutes should be repealed, reporting requirements should be simplified, and State agencies should be permitted to request information only if it is not already available from another government source.

### **CONTENT**

**Senate Bill 754 (S-1) would amend the Revised School Code to do the following:**

- Specify that the State Board of Education would be the sole agency responsible for the supervision and administration of career and technical education in the State.
- Permit the Department of Education or the Center for Educational Performance and Information (CEPI), under certain circumstances, to require an intermediate school district (ISD) to report only information that was not already available from CEPI's database.
- Prohibit a State department or agency from requiring a new report, or modifications to an existing report, to be submitted unless certain conditions were met.
- Require the Superintendent of Public Instruction to submit annual, rather than quarterly, reports pertaining to final actions taken affecting a person's teaching certificate or State Board of Education approval.
- Require each school board to post on its website reports pertaining to school expulsions and incidents of crime at a school.
- Require an individual participating in or visiting a course to wear a sanitized industrial quality personal protective device if participating in or visiting the course would result in the individual being exposed to the danger of physical harm.

The bill also would repeal Sections 761, 1279, 1296, and 1333 of the Revised School Code, Section 3 of Public Act 209 of 1965, Public Act 59 of 1966, Public Act 230 of 1964, Public Act 44 of 1964, Public Act 28 of 1964, Public Act 198 of 1962, and Public Act 149 of 1919.

**Senate Bill 755 (S-1)** would amend the State School Aid Act to do the following:

- Allow CEPI to require districts and ISDs to report information related to educational personnel only if it were not already available from the Office of Retirement Services in the Department of Technology, Management, and Budget.
- Prohibit the Superintendent of Public Instruction, the Department of Education, or CEPI from requiring a new report, or modifications to an existing report, to be submitted unless certain conditions were met.
- Specify, for certain special educational services, that the Department or CEPI would have to require districts to report only information that was not already available from CEPI's database.
- Require the Department of Education to allow a school or district to appeal the calculation of graduation and dropout rates.

**Senate Bill 763** would amend the State School Aid Act to authorize the Department or CEPI, for certain special educational services, to require districts to report only information that was not already available from CEPI's database.

**Senate Bill 765** would amend the Revised School Code to authorize the Department of Education or CEPI, under certain circumstances, to require an ISD to report only information that was not already available from CEPI's database.

The bill also would repeal Section 1172 of the Code, which requires the State Board to promulgate rules concerning personality tests administered to pupils at school projects or as parts of the school program.

**Senate Bill 766** would amend Public Act 287 of 1964, which provides for the functions of the State Board of Education and the Superintendent of Public Instruction, to do the following:

- Allow the Superintendent, instead of the State Board, to use donated money, property, or promises to pay money for the benefit of blind students.
- Require the State Treasurer to transmit that money in the State Treasury to the Superintendent.
- Require the Superintendent to place the money in a special fund to be spent as he or she authorized.
- Require the Superintendent to submit a report of all money received and spent to the Senate and House Appropriations Committees.

Each bill would take effect 90 days after its enactment.

### **Senate Bill 754 (S-1)**

#### **Career & Technical Education**

Under the Revised School Code, an ISD may establish an area career and technical education (CTE) program if approved by a majority of the intermediate school electors of the ISD voting on the question. Under the bill, the State Board of Education would be the sole agency responsible for the supervision and administration of CTE in the State with authority to accept Federal funding for career and technical information and with the responsibility to administer the requirements for CTE under Federal and State law.

An intermediate school board in which an area CTE program has been established is permitted to operate the program or contract with local school districts or community colleges to do so. The intermediate school board also may contract with a private degree-granting postsecondary institution if the ISD is not within a community college district and there is a written agreement for the operation of such a program. In addition, an intermediate school board may spend area CTE funds for the operation of area CTE programs for instructional, support, and administrative costs associated with providing CTE activities.

The ISD must notify the Department at the time the area CTE program is established. The ISD also must establish a program advisory committee pursuant to administrative guidelines established by the Office of Career and Technical Preparation within the Department.

In addition, the ISD must a) ensure that the program collects CTE information data and distributes the data to the appropriate State department or departments and to the program advisory committee; and b) submit its CTE plan to the Department in the form and manner prescribed. Under the bill, for the purposes of both of these requirements, the Department or CEPI could require an ISD to report only information that was not already available from the financial information database maintained by CEPI.

#### Additional Reports or Information

All of the following would apply to reports required to be submitted under the Code by the State Board, Superintendent of Public Instruction, Department of Education, Department of Treasury, CEPI, or any other State department or agency.

A State department or agency could not require, or promulgate a rule requiring, a new report to be submitted unless State or Federal law specifically required or authorized it. A State department or agency also could not require, or promulgate a rule requiring, any modification or additions to an existing report that, as of the bill's effective date, was already required to be submitted unless one or both of the following applied: a) State or Federal law specifically required or authorized the modification or addition, or b) the modification or addition would reduce or eliminate a reporting requirement.

If a State department or agency required, or promulgated a rule requiring, a new report or additional information to be submitted under the conditions described above, the department or agency would have to ensure that the new report or additional information could be submitted electronically.

#### Expulsion & Crime Reports

The Code requires a school board, at least annually, to prepare and submit to the Superintendent of Public Instruction a report stating the number of pupils expelled from the school district during the previous school year. Also, a school board must report to the Superintendent incidents of crime occurring at school within the school district. Under the bill, instead of submitting the reports to the Superintendent, a school board would have to post those reports on the district's website.

#### Professional Development Funding & Reporting

Under the Code, State and Federal funds appropriated by the Legislature to support professional development and education may be used for a variety of purposes, including:

- Professional development programs for administrators and teachers.
- A biennial education policy leadership institute.
- A statewide academy for school leadership.
- A principal leadership academy.
- Strategies for increasing parental involvement.

In order to receive professional development funding, each school district and ISD must prepare and submit to the State Board for approval an annual professional development plan. The State Board may disapprove State funding for proposed professional development that it finds to be one or more of the following: a) not in furtherance of core academic curriculum needs, b) not constituting serious, informed innovation, or c) of generally inferior overall quality or depth regardless of who sponsors or conducts the education or training. The bill would eliminate the requirement to prepare and submit an annual professional development plan.

### Teaching Certificates & State Board Approval

Sections 1535a and 1539b of the Code provide for the suspension of a person's teaching certificate or State Board approval, respectively, if the person is convicted of certain crimes. The Superintendent must submit to the Legislature quarterly reports of all final actions that he or she has taken under Sections 1535a and 1539b affecting a person's teaching certificate or State Board approval during the preceding quarter. Under the bill, the Superintendent instead would have to submit an annual report of all actions taken during the preceding year.

### Courses Requiring Personal Protective Devices

Under the Code, each pupil and teacher participating in specified types of courses must wear sanitized industrial quality eye protective devices if exposure to danger exists while participating in the course. The Board must furnish the devices for pupils, teachers, and visitors to the classrooms or laboratories. The courses in which such protective devices are required include vocational or industrial arts shops or laboratories involving the use of hot molten metals, and chemical or chemical-physical lab work involving acid, caustic, or explosive chemicals.

The bill instead would require each pupil and teacher participating in a course, and each visitor to a course, to wear sanitized industrial quality personal protective devices, if participating in or visiting the course, or safety training required for the course, would result in a pupil, teacher, or visitor being exposed to the danger of physical harm. The board of a school district or ISD, or board of directors of a public school academy would have to furnish the protective devices for pupils, teachers, and visitors to the classroom and laboratories, as is currently required, and to field sites used for the course or training. The bill also would eliminate the list of courses for which such devices are required.

### Repealed Sections & Acts

The bill would repeal Sections 761, 1279, 1296, and 1333 of the Revised School Code. Section 761 pertains to a requirement for an ISD to conduct a study concerning opportunities for its constituent districts to share services with other providers of those services. Section 1279 pertains to a requirement for the board of a school district or board of directors of a public school academy to administer State assessments to high school pupils until the end of the 2005-2006 school year. Section 1296 requires the board of a school district that provides certain auxiliary services to its resident pupils to provide those services on an equal basis to elementary and secondary grades at nonpublic schools. Section 1333 allows a local unit of government to enter into an agreement with a school board to use a school bus not otherwise being used for school purposes to transport senior citizens, or retired or disabled individuals, to or from an activity or event.

The bill would repeal Section 3 of Public Act 209 of 1965, which requires the State Board of Education to submit a report of projects to the Legislature.

The bill also would repeal the following Public Acts:

- Public Act 59 of 1966, which authorized the State Board of Education to accept Federal funds under the National Vocational Student Loan Insurance Act.
- Public Act 230 of 1964, which provided for appropriations from the School Aid Fund to school districts pending settlement of taxes paid under protest.
- Public Act 44 of 1964, which authorized the State Board of Control for Vocational Education to accept Federal money to expand vocational education opportunities.
- Public Act 28 of 1964, which abolished the State Board of Control for Vocational Education and transferred its duties to the State Board of Education.
- Public Act 198 of 1962, which authorized the State Board of Control for Vocational Education to accept Federal money to establish occupational training programs for the unemployed or underemployed.
- Public Act 149 of 1919, which accepted the requirements and benefits of the Federal Smith-Hughes Act.

## **Senate Bill 755 (S-1)**

### Reports to CEPI

The State School Aid Act requires a district to furnish information related to educational personnel as necessary for reporting required by State and Federal law by the first business day in December and by June 30 of each year. Under the bill, CEPI could require districts and ISDs to report only information that was not already available from the Office of Retirement Services in the Department of Technology, Management, and Budget.

The bill also would eliminate a requirement for a district to furnish to CEPI information related to safety practices and criminal incidents as necessary for State and Federal reporting.

### Additional Reports or Information

Under the bill, all of the following would apply to reports required by the Superintendent of Public Instruction, Department of Education, or CEPI to be submitted under the Act.

The Superintendent, Department, or CEPI could not require, or promulgate a rule requiring, a new report to be submitted unless State or Federal law specifically required or authorized it. They also could not require, or promulgate a rule requiring, any modification or additions to an existing report that, as of the bill's effective date, was already required to be submitted unless one or both of the following applied: a) State or Federal law specifically required or authorized the modification or addition, or b) the modification or addition would reduce or eliminate a reporting requirement. If the Superintendent, Department, or CEPI required, or promulgated a rule requiring, a new report or additional information to be submitted under these conditions, it would have to ensure that the new report or additional information could be submitted electronically.

### High School Graduation & Dropout Rates

Under the Act, a district or intermediate district must comply with all applicable reporting requirements specified in State and Federal law. Each district also must furnish to CEPI, within five weeks after the pupil membership count day and by June 30, the information necessary for the preparation of the district and high school graduation report. The Center must calculate an annual graduation and pupil dropout rate for each high school, each district, and the State, and must report those rates to the Senate and House Education Committees and Appropriations Committees, the State Budget Director, and the Department within 30 days after publication of a list of school or district accountability designations.

Under the bill, before reporting those graduation and dropout rates, the Department would have to allow a school or district to appeal the calculations. The Department would have to consider and act on an appeal within 30 days after it was submitted and could not report those rates until after all appeals had been considered and decided.

### Special Education Services

Section 51a of the Act allocates amounts to districts and intermediate districts for reimbursement for special education programs. A district or intermediate district that employed special education support services staff to provide those services and that receives the same type of support services from another district or intermediate district must report the cost of those services for special education reimbursement purposes.

If an intermediate district purchases from a constituent district a special education pupil transportation service that was previously purchased from a private entity, and various conditions are met, then upon application by the intermediate district, the Department must direct it to continue to report the costs associated with the specific service.

Allocations to districts and intermediate districts for providing special education transport services must be based on data reported by the districts and intermediate districts for the current school year.

Under the bill, for the situations described above, the Department or CEPI could require districts and intermediate districts to report only information that was not already available from CEPI's financial information database.

### **Senate Bill 763**

As noted above, Section 51a of the State School Aid Act allocates reimbursements to districts and intermediate districts for special education programs from the appropriations for State public schools, and requires districts and intermediate districts to report the costs of certain special education support services and pupil transport services. Under the bill, for the purposes of Section 51a, the Department or CEPI could require a district or intermediate district to report only information that was not already available from the financial information database maintained by CEPI.

Section 58 provides that allocations to districts and intermediate districts for providing special education transport services must be based on data reported by the districts and intermediate districts for the current school year. Under the bill, the Department or CEPI could require districts and intermediate districts to report only information that was not already available from CEPI's financial information database.

### **Senate Bill 765**

The bill would make the same amendments to the Revised School Code as proposed by Senate Bill 754 (S-1) with respect to requirements for an ISD to report career and technical education data.

### **Senate Bill 766**

Public Act 287 of 1964 permits the State Board of Education to take, in any lawful manner, property, money, pledges, or promises to pay money for the exclusive use of the School for the Blind at Lansing or to be spent within the State for any purpose for the benefit of the School for the Blind. The bill instead would authorize the Superintendent of Public Instruction to take property, money, pledges, or promises to pay money for the benefit of blind students.

The Act requires the State Treasurer to transmit to the Board all such money held in the State Treasury. The Board must place this money in a special fund to be spent as authorized by the superintendent of the School for the Blind. A report of all funds received and spent under the Act must be submitted to the Senate and House Appropriations Committees.

Under the bill, instead, the State Treasurer would have to transmit the money to the Superintendent of Public Instruction. The Superintendent would have to place the money into a special fund to be spent as he or she authorized. The Superintendent also would have to submit to the Senate and House Appropriations Committees a report of the receipt and expenditure of the money.

MCL 380.626 et al. (S.B. 754)  
388.1619 et al. (S.B. 755)  
388.1651a & 388.1658 (S.B. 763)  
380.684 (S.B. 765)  
388.1008b (S.B. 766)

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

School administrators are required to submit hundreds of reports to State and Federal educational agencies throughout the school year. Compiling these reports is time-consuming, and the information they provide is often obsolete by the time the reports are received. Also, the reporting requirements are costly in terms of staff time and resources that could be directed toward

classroom instruction. School officials need to monitor and comply with numerous mandates located throughout the Michigan Compiled Laws (in addition to requirements found in the Revised School Code). The bills would eliminate several of these reporting requirements, making it easier to understand the information that is required to be submitted, eliminating unnecessary paperwork, and reducing the diversion of resources. The bills also would remove outdated statutes from the body of law that administrators must monitor. The bills would streamline many of the remaining reporting requirements by either requiring submission of the report less often or restricting the department or agency to which the report is sent to requiring the reporting of information that is not already available from other sources.

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

### **Senate Bill 754 (S-1)**

The bill would result in administrative savings to the Department of Education, the Center for Education Performance and Information, and local education authorities (LEAs). State and local savings would be realized from the change that would require annual, rather than quarterly, reports. There also would be a reduction in administrative costs to locals that would no longer be required to report on information that is already available in financial reports.

### **Senate Bill 755 (S-1)**

The bill would result in administrative savings to the Department of Education, CEPI, and LEAs. The bill could reduce State and local administrative costs by requiring information to be obtained between the Department and CEPI as well as between CEPI and the Office of Retirement Services instead of between the State and individual LEAs. The bill could result in minor administrative costs to the Department by allowing appeals of the calculation of the State graduation and dropout rates and requiring the Department to act upon an appeal within 30 days.

### **Senate Bill 763**

The bill would result in administrative savings to the Department of Education, CEPI, and LEAs. The bill could reduce State and local administrative costs by requiring information to be obtained between the Department and CEPI.

### **Senate Bill 765**

The bill would result in administrative savings to CEPI and LEAs. The bill could reduce State and local administrative costs by requiring information to be requested from LEAs only in the event that the information was not currently available in the financial information database.

### **Senate Bill 766**

The bill would have no impact on State or local government, because the School for the Blind has already been transferred to the authority of the Superintendent of Public Instruction.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.