

LegislativeUpdate

Michigan Association of Superintendents & Administrators | September 7, 2018



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Summary

This week the Legislature returned to Lansing and adopted two citizen-initiated proposals: paid sick leave and raising the minimum wage. Both proposals were set to be on the ballot without action from the Legislature. Because lawmakers enacted the proposals instead of voters, they can be amended by a simple majority, rather than a higher standard of two-thirds. This move sets the stage for a showdown in lame duck over whether the proposals will be amended, gutted, or

left alone.

The legislature has adjourned until September 25.

Senate Government Operations

The Senate Government Operations Committee met on Wednesday and took action on HB 4679. The bill is sponsored by Rep. Jim Lilly (R-Park Twp.) and requires a fiscal note for every bill scheduled for a hearing before a standing House or Senate committee meeting. This legislation largely will codify current practice.

Under the bill, the appropriate Fiscal Agency must prepare a fiscal note that contains both a description and information on how the legislation would change current law, as well as an estimate of the potential impact or amount the bill would increase or decrease governmental revenues. If federal funding received by the state would be affected by the bill, the analysis must include an estimate of that impact.

MASA is supportive of this legislation as it reflects our position in reducing unfunded mandates.

HB 4679 was amended in the committee, where the initial version included language that prohibited the full chamber from taking action on amended bills without a revised fiscal analysis. There were also requirements for communication with local communities to determine the impacts of bills on local units of government, as well as language to prevent fiscal agencies from claiming a bill had an undetermined fiscal impact without a detailed explanation. Although MASA would have preferred the bill's initial version, HB 4679 is still a step in the right direction.

The bill was reported from committee, passed through the Senate and returned to

the House without further changes. The bills would still put into statute a requirement that fiscal analysis be drafted before committee action could take place—this is a necessary step in ensuring a more deliberative committee process.

SB 1052 sponsored by Sen. Jim Stamas (R-Midland), the Senate version of the bill, was also on the agenda in Government Operations this week.

House Education Reform Committee

This week the House Education Reform Committee met on a number of issues but took no action on any of them.

HB 6291 was introduced early this week by Rep. Pamela Hornberger (R-Chesterfield). The bill would specify that an area Career and Technical Education Program could not require participation in other services or programs through the ISD as a prerequisite for participation in the program for seat or slot allocation. The intent of HB 6291 is to clarify statutory language in order to address a specific complaint from Landmark Academy, a charter school in Rep. Hornberger's district. Landmark Academy argued that their students were unable to enroll in their local CTE program because seats were first allocated to fully participating constituent districts that purchase additional services from their ISD. The complaint was filed with the Michigan Department of Education but Landmark Academy testified that the issue was not resolved therefore they pursued legislation.

The committee also took up a teacher evaluation bill, HB 5707 sponsored by Rep. Aaron Miller (R-Sturgis). This bill would keep the percentage of annual year-end teacher evaluations based on student growth and assessment data to 25 percent. As you know, in 2015 the legislature passed a law to establish student growth and assessments as 25 percent of teacher evaluations for three years. For the 2018-19 school year, that percentage is set to increase to 40 percent. Opponents of this legislation argued that this change would be moving the goal post and will do nothing to improve classroom instruction. MASA is supportive of this bill and we hope to see it passed in the coming months.

Public Innovative Districts

Rep. Tim Kelly (R-Saginaw) introduced a pair of bills that would allow the board of a school district to apply to operate as a public innovative district (PID) through the state superintendent. HB 6314 outlines the application and renewal process, operation guidelines and creates the Education Accountability Policy Commission. In order to apply, the board of a school district would have to outline the district's vision for personalized, competency-based education and a description of the expected benefits of the innovative practices for students. They would also have to include how student performance would be measured, evaluated and reported. If approved, the PID status would be valid for 5 years.

A PID could adopt and implement an alternative assessment of pupil progress that meets ESSA requirements. They also could offer extended learning opportunities, defined as activities that occur outside the school setting. HB 6314 outlines a number of requirements for these opportunities. A statewide auditor would perform audits for each district operating as a PID, selected by the Education Accountability Commission.

The Education Accountability Commission outlined under the bill would be a 13-member commission that prescribes membership requirements and provides for commission duties and powers. The commission would be comprised of the state superintendent or his/her designee, one member appointed by the Senate Majority Leader, one member appointed by the Speaker of the House, three members appointed by the superintendent (one representing PSAs, one representing school administrators, and one currently serving school board member), and seven members appointed by the governor. The governor's appointees must be three individuals representing organizations focused on college- and career-readiness, one representing urban school districts, one representing rural school districts, one representing parents and students, and one representing teachers. Appointees would serve 4-year terms starting July 1, 2019. The governor would have the power to remove any member from the commission.

HB 6315 would exempt PIDs from the general provisions that determine student count and the hours of pupil instruction. The House Fiscal Agency estimates that

the local school districts will see an increased cost based on the degree of change required to meet the requirements in the bill, mainly the cost to create a compliant instructional program. The legislation includes language that would provide state funding for the statewide auditor.

MASA does not have a position on these bills as they were introduced this week.