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To: Council About Parochiaid
From: Cara Marie Dobie
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Re: Legislative Update

Update: EAA Vote Moving Closer

Both Democrats and Republicans have said that a vote on HB 4369 is moving closer. Rumors were rampant that the bill could come up this past week, but the House adjourned on the 13th with no action. Both sides have been increasing their efforts surrounding the bill, with Rep. Ellen Cogen Lipton (D-Huntington Woods), the lead opponent of HB 4369, meeting with about 10 House Republicans yesterday. Lipton believes that bill supporters are getting close to the number of votes they need.

House Education Chair Lisa Posthumus Lyons (R-Alto) and the Governor's chief lobbyist, Dick Posthumus, worked to educate House members about the bill to win their support; Lyons explained that they are getting closer to having enough yes votes every day, with the key being to educate members about what the bill actually does. Last week, about 10 Republicans who were "on the fence" had lunch with Governor Snyder and since that lunch the number of Republicans "on the fence" is said to have decreased.

We expect that the bill will be taken up for a vote as soon as the Republican majority feels they have sufficient votes for passage.

Education Achievement Authority

HB 4369 still sits on the House floor after a narrow (20-18) victory in the Senate back in December. HB 4369 makes the Education Achievement Authority (EAA) currently in law a state-wide option, with no limit on the number of school which could fall under the EAA's authority.

Rep. Ellen Cogen Lipton, together with Rep. Brandon Dillon (D-Grand Rapids), have proposed alternative EAA legislation via HB 5268 and 5269. The main points in their bills:

- Audit poorly-performing schools
- Audits will focus on curriculum, hiring practices, parent involvement, staff evaluations, and a few other items
- From those audits, evidence-based recommendations to correct that school's problems are sent to the district
- That school's ISD, along with the school reform office, will develop a plan to put the school back on track
- If the plan is not developed or implemented, the school reform office will implement the plan

- Conduct a study to determine the actual cost of educating a student

Reps. Lipton and Dillon have asked for hearings on their legislation, which was never granted.

In a surprise move, Rep. Dillon requested that the House discharge their bills from committee for consideration instead on the floor for a vote. Equally-surprisingly, their request was granted, and HB 5268 and 69 were discharged from consideration from the House Education committee and sent to the floor. However, no vote was conducted, nor may there be one.

Additionally, State Superintendent Mike Flanagan recently indicated he will terminate the exclusive contract for the EAA. Flanagan cited “flexibility” as the reason, apparently wanting to have “more options in which to place low-achieving schools.” Though Flanagan said that the move in no way indicates a lack of confidence in the EAA, opponents say that it certainly is an indication that perhaps the data on the EAA’s effectiveness will show that it is severely lacking.

Report on EAA Test Results Shows Major Problems

A report published on March 2 by Wayne State University Professor Dr. Thomas Pedroni may have an impact on current discussions in Lansing aimed at expanding the Education Achievement Authority (EAA).

The report by Dr. Pedroni examines MEAP test results in the EAA schools over the past two years, and the results are startling. Dr. Pedroni’s research indicates that students may actually be regressing under the EAA. Dr. Pedroni states that: The 2013 MEAP cohort data show us, convincingly, that most EAA students failed to make even marginal progress toward proficiency. The portrait is even grimmer for the small number of students who had entered the EAA already demonstrating proficiency. In math, 66% are no longer proficient. In reading, 37% are no longer proficient.

Experts Urge Equitable Spread of Education Costs at the State Board of Education

School finance experts reported to the State Board of Education on Tuesday that the state’s education funding system must more equitably provide for special education services and capital improvements, while better spreading the costs for all choice options. MSU Professor David Arsen and Craig Thiel from the Citizens Research Council of Michigan reported that the key problem with the current education funding system is the complexity created by a declining number of students and increased educational options.

Statewide enrollment declined by 14% between 2003 and 2012 and some have predicted another 13% decline by 2020. They explained that declining enrollment hurts local districts severely; districts’ fixed costs cannot always be adjusted quickly enough to keep up with declining revenue. They continued to say that this creates a problem wherein districts that have financial problems also have educational problems that become increasingly more difficult to solve. Students leave districts with educational problems due to the increasing number of educational options, creating further financial problems for districts already suffering.

Arsen further reported that this system encourages districts and charter schools to seek low-cost students, while some districts have a disparate amount of high-cost students that they do not receive a higher level of funding for. To remedy this, Arsen argued that any new school finance system must change the way special education and capital construction are funded. He continued to say that the School Aid Fund must be given more specific regulations to prevent political whims from changing the nature of its use.

Anti-Censorship, Patriot Week Legislation Among Bills Taken up by House Education Committee

Last week, the House Education Committee took up a suite of bills sponsored by Sen. Patrick Colbeck (R-Canton Twp.). SB 120 is considered an anti-censorship bill, and would prohibit public schools in Michigan from censoring the teaching of historical documents or excerpts based on religious references. SB 121 would establish Patriot Week, an event that has already been recognized through resolutions (on a yearly basis) in the past. SB 423 lays out historical documents that would be required to teach core principals of the founding of the U.S. According to Sen. Colbeck, who spoke to the committee on his bills, teaching those documents would be based on the idea of a limited government. Also part of the discussion among the sponsor and committee members was concern that the bills may be a solution in search of a problem. Colbeck made clear that one of the goals of the bills is to fix the issue of overreaching government in schools, but some members voiced concerns that the bills are another example of just that.

The committee took no action on the bills, but amendments to the bills making them voluntary (rather than mandatory) are likely to be adopted.

House Education Committee Hears Testimony on Educator Evaluation Bills

The House Education Committee heard testimony on HB 5223 sponsored by Rep. Margaret O'Brien (R-Portage) and HB 5224 sponsored by Rep. Adam Zemke (D-Ann Arbor) for the last few weeks. According to Rep. Zemke, the bills are designed to offer a fairer framework in which to evaluate teachers and administrators Michigan.

Currently, state law requires at least 25% of annual year-end evaluations to be based on student growth and assessment for the 2013-2014 school year. That percentage is set to increase to 40% for the 2014-2015 school year, and then to 50% for the 2015-2016 school year. HB 5223, which deals specifically with educator evaluations, and HB 5224, which deals with administrator evaluations, would instead require 25% for the next three school years, and then would increase to 50% for the following years after that. HB 5223 would require that at least 40% of a teacher's student growth and assessment component be based on state-provided growth data. Under the bill, the portion that is not based on state-provided data must be based on one or more local student growth assessments or one created by a vendor, the goal being to find an effective balance between state and local oversight.

The MEA is one of the major groups, along with the Michigan Association of Secondary School Principals and Education Trust-Midwest, who has come out in support of the legislation. According to the MEA, the bills would afford teachers a valuable amount of self-reflection, and they are in full support of the 25% figure remaining until 2017. During testimony, the MEA also stated it felt that, while not perfect, these bills are a better balance between strong state control and local input.

Among the education groups who are neutral on the bills are AFT Michigan, the Michigan Association of School Boards, and Michigan Parents for Schools. In opposition to the bills are the Michigan Association of Public School Academies and the Michigan Department of Education.

Bills of Interest to CAP

SJR R For-Profit Public Schools-Sen. Rebekah Warren (D-Ann Arbor) would prohibit operation of public school on for-profit basis in state constitution. Introduced on 4/10/13 and referred to the Committee on Education.

HB 4032 Cyber Schools-Rep. Doug Geiss (D-Taylor) requires cyber schools post materials on website and submit to Department of Education. Introduced on 1/22/13 and referred to the Committee on Education.

HB 4369 Education Achievement Authority-Rep. Lisa Lyons (R-Alto) establishes the Education Achievement Authority as part of public education system and provides for its powers and duties. Passed in the Senate (12/11/13; 20-18, Immediate Effect; earlier Discharged from Education, Advanced to Third Reading with Substitutes S-3 and amendments Adopted.)

HB 4625 School Districts-Rep. Pete Lund (R-Shelby Township) modifies criteria for establishment of compensation levels or adjustments. Reported in the House on 5/22/13; Substitute H-1 adopted.

HB 4797 Financially Insolvent Schools-Rep. David Rutledge (D-Ypsilanti) provides for criteria and procedures for providing education to residents of a financially insolvent school district. Introduced on 5/30/13 and referred to the Committee on Education.

HB 4798 Financially Insolvent Schools-Rep. Bill Rogers (R-Brighton) considers pupils residing in district that is not financially able to provide education to residents of educating district for school aid purposes. Introduced on 5/30/13 and referred to the Committee on Education.

HB 4813 Education-Rep. Bill Rogers (R-Brighton) revises criteria and procedures for dissolution of a school district. Signed by the Governor on 07/2/13.

HB 4986 Education-Rep. Tom Hooker (R-Byron Center) provides for certain protections regarding student rights to religious expression in public schools. Introduced on 9/17/13 and referred to the Committee on Education.

HB 5112 Grades for Public Schools-Rep. Lisa Lyons (R-Alto) establishes system for calculating and publishing letter grades for public schools. Reported in House (12/4/13; with substitute H-7; By Education).

SB 83 Conversion Schools-Sen. Dave Robertson (R-Grand Blanc) provides for conversion schools for public school academies. Introduced on 1/29/13 and referred to the Committee on Education.

SB 120 American Heritage Instruction-Sen. Patrick Colbeck (R-Canton Township) allow and prohibit censorship of certain American heritage instruction in curriculums. Introduced on 1/30/13 and Committee hearing in House on 3/5/14.

SB 121 Freedom Week-Sen. Patrick Colbeck (R-Canton Township) require observation of celebrate freedom week in all public school curriculum. Introduced on 1/30/13 and Committee hearing in House on 3/5/14.

SB 423 School Instruction-Sen. Patrick Colbeck (R-Canton Township) requires instruction in certain United States historical information. Introduced on 6/11/13 and Committee Hearing in House on 3/5/14.

SB 681 Lease Agreements-Sen. Hoon-Yung Hopgood (D-Taylor) prohibits lease agreements between public school academies and certain entities. Introduced on 11/13/13 and referred to the Committee on Education.

SB 682 Public School Academies-Sen. Hoon-Yung Hopgood (D-Taylor) provides for general amendments to public school academies to achieve greater accountability. Introduced on 11/13/13 and referred to the Committee on Education.

SB 716 Religion in Education-Sen. Mark Jansen (R-Gaines Township) require school district policy and practices regarding student rights to religious liberty in public schools and state public universities. Introduced on 12/10/13 and referred to the Committee on Education.