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To: Council About Parochiaid  
From: Cara Marie Dobie  
Date: September 5, 2014  
Re: Legislative Update

### **Teacher Evaluation Bill Signed By Governor**

Legislation that alters the way public school teacher evaluations are carried out was signed into law by Governor Snyder on June 28. Senate Bill 817, sponsored by Senator John Pappageorge (R-Troy), amends the law passed in 2011 that laid out a statutory requirement for teacher and school administrator evaluations.

Public Act 102 of 2011 required public schools and public school academies to implement a performance evaluation system that provided annual assessments of the job performance of teachers and school administrators. The law incorporated some, but not all, of the recommendations from the Governor's Council on Educator Effectiveness. The law passed in 2011 also required that, starting in the 2013-14 school year, the evaluation would have to measure effectiveness based in part on student growth.

Senate Bill 817 modifies the 2011 law in several ways. First, it delays the requirement to include a student growth component in the evaluation until the 2015-16 school year (at which time at least 50% of the evaluation will have to be based on student growth measurements). The bill therefore requires that student growth be measured beginning with the 2014-15 school year.

One of the reasons for the bill is the ongoing debate in Lansing over which assessment tools should be used to measure student growth. Senate Bill 817 does little to resolve the debate over which assessment tool should be used, but instead pushes back the implementation to give more time to resolve the issue. The bill was signed into law as Public Act 257 of 2014.

#### *Strict Discipline Academies*

SB 644, sponsored by Senator Dave Hildenbrand (R-Lowell), creates an enrollment plan for students who are eligible to attend a strict discipline academy from a high or medium-security juvenile, mental health or child caring facility operated by a private agency. This bill was also signed by the Governor on June 28. It is now PA 256.

### **Who Watches the Watchmen? Charter School Oversight Discussed in Lansing**

In 2011, the state legislature lifted the cap on the number of charter schools that could be authorized in Michigan and eased some regulations on charter school operators. A recent exposé by the Detroit Free

Press has called that action into question as the article uncovered multiple instances of poor performance, wasteful spending and conflicts of interest.

Much of the attention has been focused not only on the charter schools themselves, but on the charter school “authorizers.” Michigan law requires that charter schools only be created under the auspices of an authorizer. There are 40 such authorizers in Michigan, consisting mainly of local education bodies such as Intermediate School Districts or higher education bodies such as universities and community colleges. Since the Free Press article came out in July, Michigan Superintendent of Schools Mike Flanagan has issued warnings to 11 of Michigan’s 40 charter school authorizers that their ability to approve new charter schools may be suspended. These eleven authorizers have a substantial number of the charter schools they oversee rank in the bottom 10% of the lowest performing public schools in the state. Charter school operators and proponents have responded by calling into question Superintendent Flanagan’s authority for carrying out suspensions.

Meanwhile, Lansing lawmakers are considering possible statutory changes that would provide greater oversight of charter schools and the authorizers who are supposed to monitor their performance. Of particular concern is the perception that authorizers are failing to perform due diligence in overseeing the charters under their jurisdiction. Legislation may be introduced that would raise the bar on the level of necessary oversight that must be conducted by authorizers.

In addition, the Free Press articles found that many problems exist within Education Management Organizations (EMOs). These are private companies often contracted by charter schools to administer and manage the school. In many cases, investigative journalists discovered potential conflicts of interest between EMOs and the charter school officials for whom they provide services. Moreover, unlike traditional public schools whose operations are subject to transparency measures like the Freedom of Information and Open Meetings Acts, privately operated for-profit EMOs have no duty to open their records or bookkeeping to the taxpayer – despite the fact that potentially 100% of their revenue comes from tax dollars.

Superintendent Flanagan has announced his intention to draft new rules pertaining to authorizers, and the State Board of Education has also passed legislative recommendations that would limit the ability of authorizers to open new charter schools if ones they are currently operating are performing poorly. The issue will likely be a subject for House and Senate committee discussion when the Legislature returns from summer recess.

#### *Update*

Earlier last week, the state’s charter authorizers announced a voluntary accreditation system they are hoping the state will use in its decision of suspending low-performing authorizers. The purpose of the accreditation system is to proactively monitor authorizers, and to give them input into the process that they do not feel they will have under State Superintendent Mike Flanagan’s proposed plan.

The authorizers’ plan includes a review process by a review board, made up of three authorizers, an MDE representative, and a member from a national organization familiar with charter school administration and oversight. Accreditation would be granted by the review board, and would be based on nine factors, including a transparency element.

## **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. Concurred in Senate Substitute/Amendment on 3/20/14; 56-54, Substitute H-3 adopted and amended.

**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 4725 Education**-Rep. John Olumba (I-Detroit) allows public school academies to operate residential boarding schools for at-risk youth. Reported in House on 06/04/14 by Education.

**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).

**HB 5223 Teacher Evaluation**-Rep. Margaret O'Brien (R-Portage) revises performance evaluation for school teachers. Committee Hearing in the Senate on 06/04/14.

**HB 5224 Administrator Evaluations**-Rep. Adam Zemke (D-Ann Arbor) revises the performance evaluation for school administrators. Committee Hearing in the Senate on 06/04/14.

**HB 5314 (PA 196) Omnibus Education Budget**-Rep. Bill Rogers (R-Brighton) Provides appropriations for School Aid, higher education and community colleges in fiscal year 2014-15. Signed by the Governor on 06/24/14 and effective on 06/24/14.

**SB 66 Michigan Merit Curriculum**-Sen. John Proos (R-St. Joseph) Revise the Michigan Merit Curriculum. Returned from the House in Senate on 07/16/14; with substitute.

**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. Reported in House on 03/19/14 by Education and referred to second reading.

**SB 121 Freedom Week**-Sen. Patrick Colbeck (R-Canton Township) require observation of celebrate freedom week in all public school curriculum. Reported in House on 03/19/14 by Education and referred to second reading.

**SB 423 School Instruction**-Sen. Patrick Colbeck (R-Canton Township) requires instruction in certain United States historical information. Reported in House with recommendation with Substitute H-1 on 03/19/14 by Education and referred to second reading.

**SB 644 Strict Discipline Academies**-Sen. Dave Hildenbrand (R-Lowell) allow strict discipline academies to enroll individuals placed in certain facilities operated by a private agency. Signed by the Governor on 06/28/14 and effective on 06/30/14.

**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.

**SB 817 Teacher Evaluations**-Sen. John Pappageorge (R-Troy) Modify implementation dates for performance evaluation requirements for teachers and school administrators. Signed by the Governor on 06/28/14 and effective on 06/30/14.