

To: Council About Parochial Board of Directors
From: Cara Marie Dobie and Courtney VanCamp
Date: March 16, 2018
Re: Legislative Report

Council About Parochial Litigation Update

Our coalition of interested organizations (collectively “Plaintiffs”) are in the process of suing the State of Michigan to block the distribution of \$2.5 million in public funds appropriated by the Legislature in 2016-2017 to nonpublic schools via § 152b, MCL 388.1752b, of the School Aid Act. After this lawsuit began, the Legislature amended the law in **Summer 2017 appropriating another \$2.5 million for the 2017-2018 legislative year.**

In the process of litigating this case, the Plaintiffs have successfully blocked several third parties from intervening as defendants in the case. The Plaintiffs have also successfully secured a preliminary injunction preventing the State from distributing the funds to nonpublic schools during the course of this matter. As a result, the State has distributed **none** of the § 152b funds.

Plaintiffs have a Motion for Summary Disposition pending before the Court of Claims seeking a judicial ruling that the appropriations to nonpublic schools—now totaling \$5 million—are unconstitutional. The State has a similar pending Motion asking the Court of Claims to dismiss the case. On March 12, 2018, the Court of Claims gave the parties each ten (10) days to file any supplements to their respective Motions for Summary Disposition. **The Court of Claims has set a hearing on these Motions for April 16, 2018.**

**See attached document for additional detailed summary from Jeff Donahue*

Governor Snyder’s Proposed Budget Recommendations

The Legislature is currently reviewing the Governor's funding recommendation for the 2019 school year. Governor Snyder proposed a large increase of \$312 million to the per-pupil foundation allowance, bringing the total to \$9.2 billion. The Governor also recommended a \$23 million increase for Special Education. The Governor's proposed budget would reduce funding for the foundation allowance going to cyber schools by \$25 million. The Governor also proposes to eliminate \$23.4 million from various categorical grants such as the Statewide Evaluation Tool (\$2.5 million), Information Technology Certifications (\$2.3 million) and, most importantly to CAP, Nonpublic School Reimbursement (\$2.5 million).

The House and Senate Appropriation Subcommittees on School Aid are expected to have their initial decision-making documents completed in the next week.

At-Risk

The Senate and House proposals on At-Risk funding and boilerplate will be released next week, likely Tuesday. Sources say that the Senate proposal, at least, will be the same as the current year in terms of funding and boilerplate.

However, both sides are likely to reject the Governor's proposal outlined in January, which included a cut to cyber school per-pupil grants, shifting that cut over to at-risk funding.

Ed Trust: Michigan Losing Ground On Third Grade Reading

Though the state is now spending more money on the effort, the Education Trust-Midwest noted in a report the state is last and falling behind the rest of the nation in third grade reading. The report, ***Top Ten for Education: Not By Chance***, said the state has not, so far, done the things it needs to become a top 10 state, but it listed a series of actions that could improve performance.

"Michigan is one of only a few states in the country that actually lost ground in third grade reading in recent years," Amber Arrellano, executive director of Education Trust-Midwest, said in the report, where she also slammed the failure to produce results from \$80 million invested in third-grade reading. The report said the funding for third grade reading provides an opportunity to determine whether the rest of the state's efforts can improve reading performance.

Of 10 states using the same educational progress assessment, Michigan showed the largest decline in third grade English proficiency, about 6 percent between 2014-15 and 2016-17. The report called out Alabama, Florida, Massachusetts and Tennessee as examples of states that have implemented needed reforms. Michigan it said, unlike those states, has not provided the support to schools and teachers needed to see improvement.

One place the state is strong is student assessment and standards. On the other hand, Michigan has not provided local districts the resources needed to convert those standards into a curriculum; it has left curriculum to local districts who lack the capacity to research options. The Department of Education should also be more transparent, not only in how it provides state and federal funds to local districts, but also in the outcomes generated by those funds, the report said. Michigan needs to better align pre-school programs and K-12, urging not only aligned standards and curricula, but a standard data system. Among other changes, a standard kindergarten readiness test would drive alignment and that the state needed to implement measures to ensure schools with more at-risk students have the resources needed to hire better teachers.

Based on current trends, the report projected that the only place the state would see improvement was on eighth grade attendance. Currently, 22 percent of eighth-graders reported frequent absences, and the report expected that to fall to 20 percent by 2030. The college and career readiness markers projected the state would decline by 2030, with Michigan falling to 18th in post-secondary enrollment from 14th currently and falling to 31st in completion from the current 27th.

House Panel Approves School Letter Grades

All schools in the state would receive a letter grade based on standardized test scores and a rating based on other measures under legislation reported from the House Education Reform Committee. Rep. Tim Kelly, (R-Saginaw Township), sponsored HB 5526, which would also move oversight of all school accountability and struggling schools to a new Education Accountability Commission with members appointed by the governor, legislative leaders and the superintendent of public instruction.

The bill moved from committee with no discussion and with only Republican votes, but three committee Democrats abstained. Traditional school groups filed opposition to the measure, both to the committee and in statements later.

"Education leaders in Southeast Michigan strongly oppose this latest attempt by lawmakers to impose yet another 'Lansing knows best' school ranking system. This legislation would only lead to schools becoming more and more focused on standardized test scores rather than real student achievement and growth." George Heitsch, superintendent of Farmington Public Schools.

State Board of Education member Tom McMillin (R-Rochester Hills) said the bill would further entrench the Common Core State Standards, which he has opposed since before the board approved them as the basis for the state's curriculum. Mr. McMillin said the grading system was too narrow, using only the mathematics and English portions of the test to develop the grades, citing that in the 21st Century, there are other important abilities related to creativity, innovation, and communication. Jared Burkhart, executive director of the Michigan Council of Charter School Authorizers said the plan would essentially hold schools to the same grading system they apply to students.

The bill, as reported, would repeal all of the state's current accountability system, including the separate system created for Detroit Public Schools Community District and put all districts under a system developed by the new 13-member commission. The commission would also take over all duties currently assigned to School Reform/Redesign Office and its director.

The system would have two parts: a letter grade and a rating. The letter grade would be based on overall proficiency and individual student growth on the math and English portions of the state assessment. Schools would also be rated between significantly above average and significantly below average on their performance relative to other schools with similar demographics and on the performance of demographic subgroups within the school.

The committee also began discussions on a package of bills (HB 5598, HB 5599, HB 5600, HB 5601, HB 5602, HB 5603, HB 5604 and HB 5605) that would provide some new requirements for teacher preparation institutions and candidates, including a master teacher corps and provide stipends to those teachers willing to provide assistance to other teachers.

Beth DeShone with the Great Lakes Education Project praised the direction of the bills. "For too long in Michigan, our teacher preparation institutions have been graduating students who are not prepared," she said. "(The bills) would put Michigan on the path to lead the nation in teacher education."

State Soon To Have No Emergency Managers; 1st Time In 18 Years

It hasn't happened in 18 years, but when the Highland Park Schools emergency manager's term ends as expected in April, no emergency managers will be left in charge of any municipality or school in Michigan, making that the first time since 2000. In November 2000, Lou Schimel was appointed to lead Hamtramck through a fiscal crisis. Since then, there has been an emergency manager in place somewhere in Michigan.

On the early-warning side handled by Treasury, seven school districts were determined to have the potential for fiscal stress in 2018. That's down from the 19 districts and public school academies flagged for possible fiscal stress in 2016 and the eight districts labeled as such last year.

On the deficit district side, presented by the Michigan Department of Education (MDE), five of the 19 districts that ended Fiscal Year (FY) 2017 with a deficit plan to eliminate that by the end of FY 2018, with another two districts doing so through school operating taxes. The remaining 12 districts are projecting to at least reduce the deficits. The MDE reported that no deficit districts are projecting a larger shortage or positive districts projecting a slip into debt by the time FY 2018 closes.

Snyder Considers Waving The Red Flag; Sheriffs Want Cops Back In Schools

Gov. Rick Snyder's team is going through an "extensive review" into the country's best practices in how to curb school violence. Some version of "red flag" legislation may be part of the equation. Governor Snyder told reporters that as long as a balance can be struck between providing public protection and ensuring due process, "We should seriously look at what (other states) are doing and see if it's applicable to Michigan."

Under the red flag proposal sponsored by Rep. Robert Wittenberg (D-Oak Park), family members, close friends or police could petition a court to temporarily take away someone's firearms if the person is proven to be a threat to themselves or others. Gun owners would have the opportunity to plead in court why they should not need to surrender their gun.

Five states have enacted red flag laws -- California, Connecticut, Indiana, Washington and Oregon. Last Friday's Central Michigan University shooting reinforced to Gov. Rick Snyder that the state should look at what more it can do to curb gun violence in Michigan K-12 schools and institutions of higher learning. Reporters asked Snyder about raising the age of gun ownership to 21, something that the Florida legislature is acting on. Snyder said he would lean more to a red flag-type proposal.

This week, the seven-member executive board of the Michigan Sheriffs' Association (MSA) met in Lansing and had a "high-level" discussion about a red flag proposal, among other ideas, to address school violence. MSA Past President Tim Donnellon said his members are more supportive of bringing back school resource officers, a popular technique used in the 1980s and 1990s, to bridge the gap between students and law enforcement. The sagging economy helped eliminate these in-school officer programs.

One strategy the MSA wasn't thrilled about was the idea House Judiciary Committee Chair Jim Runestad (R-White Lake) suggested that a weapon would be locked inside the school, to be only accessed by specific personnel in case of an emergency. Blaine Koops, executive director of the Michigan Sheriffs'

Association, said the concern is that an unattended gun placed inside a school puts a level of uncertainty into a potential situation.

While Governor Snyder may propose a red flag proposal, its chances in the state House are questionable at best. Runestad apparently has told Wittenberg he's willing to have a discussion, but leaders within the GOP caucus are far from sold. Rep. Gary Glenn (R-Midland) said he's open to the discussion, but he's skeptical that it can be done in a way that doesn't violate a person's Second Amendment rights to bear arms.

House Speaker Tom Leonard said last week that his focus remains on fixing the state's "broken health system" in relation to any legislation addressing school safety. On the red flag bill, Leonard said he's heard some law enforcement agencies have concerns about the bill so he'd like to address those issues before taking a position on it.

State Superintendent Brian Whiston Announces Leave

On March 14, Brian Whiston announced he plans to take a medical leave of absence within the next 30 to 60 days. Whiston said his pancreatic cancer diagnosis "isn't good", as the cancer has now spread to his liver.

Richard Zeile, State Board of Education Co-President, indicated the board would act on Whiston's suggestion to appoint an acting superintendent and the recommendation of chief deputy Shelia Alles, Whiston's pick, would likely be chosen.

School Safety

For good reason, school safety is the hot topic in the legislature.

A coalition has quickly formed between school management organizations and law enforcement. Unsurprisingly, some initial response was relaxing gun laws in schools, but those efforts have been laid aside for the time being for an approach that's focused on more School Resource Officers (SROs).

But now even that focus has changed to include increasing access to school mental health professionals. The current thought is to develop a 3-year grant for schools to use split between SROs and getting more school mental health professionals. This is a very rough concept at this point, and an initial formative meeting is set for Friday, March 16 to start to piece this thought together. In support, there are already a few lawmakers, the House Education Committee Chair included, that agree with this concept and direction. More later as parties flesh this out together. But in addition to simply more mental health professionals in schools, there has to be some level of coordination between administration, SROs, and mental health workers, from training to discipline.