



Capitol Services, Inc.
110 W. Michigan Ave., Ste 700. Lansing, MI 48933
517.372.0860 Fax 517.372.0723
www.CapitolServices.org

To: Council About Parochial
From: Cara Spagnuolo
Date: December 5, 2011
Re: Legislative Update

House Lifts Charter School Cap

In a heated hearing last Wednesday, the House Education Committee kicked out a bill lifting the cap on charter schools in Michigan. According to *MIRS*, SB 618 would remove the cap on charters authorized by state universities, which would likely substantially increase the number of such schools in the state. Michigan already has the sixth-highest number of charters in the nation. The committee vote was 11-6 on the H-1 substitute with Rep. Tom Hooker (R-Byron Center) crossing over.

SB 618 passed the Senate last month as a part of the Senate education reform package. Democrats offered several amendments and only one was approved. Those shot down included: requiring charters to provide transportation, operators to show “demonstrated performance” before opening new charters, reducing charter authorizers’ profits, putting reporting language back in for cyber schools, paying teachers a prevailing wage and limiting where charters can locate. The Democratic amendment lifting the cap on Schools of Excellence, which were established in the 2009 Race to the Top legislation, passed 15-0. McMillin added an amendment that charter schools wouldn't have to pay taxes toward the School Aid Fund.

According to *MIRS*, partisan tension reached a boiling point during the committee meeting. It started when Minority Vice Chair Lisa Brown (D-Bloomfield Township) expressed confusion when McMillin decided not to take up amendments in chronological order. “Last time I checked, the minority party didn’t get to set the agenda,” McMillin informed her. Later, McMillin cut off Rep. Rudy Hobbs (D-Lathrup Village) who expressed concern about the quality of charter schools. McMillin said that public schools have been failing for years. Hobbs then called the hearing a “charade” and said SB 0618 is “taking a cap off of an experiment” and then declared “this is not serious deliberation in my view.”

Wednesday was also the first day in session after decisions were made on how to rearrange committee assignments following Paul Scott’s recall. Rep. Holly Hughes (R-Montague), who hadn’t expressed public support for SB 0618, was removed from the committee. Reps. Jon Bumstead (R-Newaygo) and Lisa Posthumus Lyons (R-Alto) were added.

The bill also removes language that requires charters authorized by a school district to cover employees of the new school under the collective bargaining agreements that apply to other employees of the district employed in similar classifications in schools that are not charters. SB 618 would also contract operators to operate multiple sites.

Other bills in the Senate education reform package of legislation have seen various levels of review or action as described below:

SB 619 (Sen. Patrick Colbeck, R-Canton Twp.) Revises School Code for cyber schools to

- Delete the limit of two on the number of contracts that may be issued for cyber schools.
- Delete requirement that cyber schools offer all of grades K-12.
- Eliminate current limits of 400 students in the first year.
- Delete the sunset against issuing a cyber school contract after January 1, 2015.

This bill passed the Senate and is now in the House Education Committee.

SB 620 (Sen. Dave Robertson, R-Grand Blanc) Add part 6D to the School Code to allow public schools to be converted to public school academies called "Conversion Schools"

- Require conversion to be signed by at least 60% of teachers plus 51% of parents or 60% of parents.
- Require an application to convert be submitted to the board of school district, and if not acted on in 60 days, allow it to be submitted to another authorizing body.
- Require the goals to include improved academic achievement for all groups of pupils, with an average attendance of at least 80% by the last year of the contract.
- Allow an authorizing body to revoke contract under certain circumstances and take corrective action to avoid revocation.
- Allow authorizing body to charge 3% of a conversion school's state school aid for contract oversight.
- Prohibit conversion school from charging tuition or discriminating in admissions.
- Permit conversion only if the school is among the lowest performing 5% of all public schools in the state.

This bill was reported out of the Senate Education Committee but has not passed the Senate.

SB 621 (Sen. Geoff Hansen, R-Hart) Amends School Aid Act to broaden geographic boundaries for nonpublic student instruction, for eligibility to receive state aid, when resident districts refuse to provide instruction. This has passed the Senate, now in House Education Committee.

SB 622 and SB 623 (Sen. Judy Emmons, R-Sheridan) Amends/broadens student guidelines to Postsecondary Enrollment Options Act and the Career Technical Education Act to

- Remove requirement student be in at least grade 11 for dual enrollment.

- Remove qualifying scores in subject areas before being allowed to enroll in courses of that subject area at the postsecondary institution.
- Include as “eligible student” a student enrolled in a state approved nonpublic school.

These two bills have passed the Senate and are now in the House Education Committee.

SB 624 (Sen. Pavlov, R-Grand Blanc) would amend the State School Aid Act to remove geographical boundaries for the purposes of schools of choice. (Still in Senate Education Committee)

- Require participating districts to determine if they have the capacity to accept applications instead of whether to accept applications
- Require (rather than allow) a district to enroll nonresident applicants from waiting lists
- Clarify that districts may limit the number of nonresident pupils based on capacity.

This is the most politically sensitive of all the bills and it remains in the Senate Education Committee.

SB 709-710 (Sen. Judy Emmons, R-Sheridan) These bills supplement the content in SB 622-623 and amend/broaden student guidelines in the same acts to:

- Extend provisions for dual enrollment to high school students in state-approved nonpublic schools and home-schooled children. However, they could receive only postsecondary credit unless the course is a “nonessential elective course.”
- Require the State Treasurer to pay tuition for a postsecondary course taken by a nonpublic school student or home-schooled student on a prorated basis of the statewide pupil-weighted average foundation allowance.

These two bills have passed the Senate and were referred to the House Education Committee.

School Board Election Date Mandated

The Governor has signed HB 4005 now known as PA 233 of 2011. This legislation requires school districts to hold their elections in November of even years, effective January 2012. However, they are still able to hold elections for ballot issues combined with other elections.

School Aid Supplemental

HB 4445 (S-1) is a fiscal year 2011-12 School Aid supplemental bill appropriating to the Office of Great Start within the Michigan Department of Education a total of \$12.5 million in State spending for early childhood funding and \$70.0 million in Federal funds if Michigan is awarded a Race to the Top-Early Learning Challenge grant. The 12.5 million in State funding would be for the following purposes: 1. \$3.25 million to begin the partial implementation of a kindergarten

status assessment and 2. \$9.25 million for the provision of services to early learning program providers in the Tiered Quality Improvement Rating System (TQRIS). The School Aid budget for FY 2011-12 has excess General Fund (GF) authorization, meaning not all of the GF appropriated is earmarked for specific purposes and the excess is currently being used to support school district foundation allowance payments. HB 4445 (S-1) would earmark \$12.5 million of that excess GF authorization for the programs described above, resulting in a “hole” in foundation payments equal to \$12.5 million to fill that “hole”, which means that the School Aid fund would bear the ultimate cost for this supplemental bill.

Antibullying Legislation Passes Both Houses

As just about everyone in America now knows (thank you, Stephen Colbert), the version of the antibullying bill which passed the Senate, SB 137 (S-4) contained the following language: *“This section does not prohibit a statement of a sincerely held religious belief or moral conviction of a school employee, school volunteer, pupil, or a pupil’s parent or guardian.”* The language rightfully released an avalanche of criticism that the legislation created an exemption for bullying done ostensibly in the name of religion.

On the House side, action was prompt to reject the Senate language, even to the extent of switching to a separate bill, HB 4163 (H-4), introduced by Rep. Phil Potvin (R-Cadillac). On November 10, the new version of the bill passed the House 88-18 with three members not voting.

The House-passed version of the bill requires all school districts to adopt policies that prohibit bullying, unless the district already has a policy consistent with this act, within 6 months after the bill is signed. Senator Jones, who had sponsored SB 137, has indicated he will support the House bill.

On November 29, 2011, the Senate approved the House anti-bullying bill. HB 4136 does not include the controversial language SB 137 had that dismissed statements based on moral or religious convictions. HB 4163 now goes to the desk of Governor Snyder.