



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



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June 7, 2005

**MEMORANDUM**

**TO:** State Board of Education  
**FROM:** Jeremy M. Hughes, Ph.D. *JMH*  
**SUBJECT:** Update on Educational Legislation

The months of May and early June have been busy times in the Legislature. There have been meetings on legislation, presentations by the Department to various committees, and the budget process has begun to heat up. Attachment A is an updated chart of the Department's legislative initiatives. Please note that changes and updates are in bold. The following is an update of our legislative activities.

**HB 4079-4090, the "Ed Flex" bills.** In April, the State Board of Education determined these bills were unnecessary and took a position against the legislation. In late May, the bills were reported out of the House Education Committee and, as of this writing, are ready for final passage through the House of Representatives. The Department testified against the legislation. The Governor's Office is also opposed to the bills, but has indicated some room for negotiation. So far, Representative Palmer (R-Romeo) has not been interested in any discussions.

**House Joint Resolution C.** This is the resolution that proposes a constitutional amendment to allow the Governor to choose the Superintendent of Public Instruction. It was last scheduled to be brought up on the House Floor on May 10, when the State Board of Education was meeting in Flint. As it appeared the votes were not available for the proponents of the resolution, no vote was taken. The issue has not come before the Legislature since, however, as the resolution is still on the House Floor, it can be brought up for a vote at any time. If opportunities occur where Board Members are interacting with legislators, I would urge you to educate them on this issue.

**SB 57, Physical Fitness.** There have been a series of discussions during the last several months regarding SB 57, a bill introduced by Senator Deb Cherry (D-Burton). This legislation requires students to have a minimum of 30 minutes of physical activity per day. Due to a technical issue, this particular legislation would not amend the School Code as intended. However, the intent of the bill has created a number of discussions regarding the need for improved physical education programs and improved nutrition programs. The Governor's Council on Physical Fitness, the American Cancer Society, and others have encouraged an aggressive effort to address these concerns. The Department of Education and the Department of Community Health, along with these groups, have met with Senator Cherry, Senator Beverly Hammerstrom (R-Temperance), and Representative Leslie Mortimer (R-Horton) on this issue.

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It appears Senator Hammerstrom, the Chair of the Senate Health Policy Committee, is going to hold hearings on these issues in the coming months. Representative Mortimer also introduced HB 4859 on June 2, a bill requiring school districts to provide certain minimal times for physical fitness.

**Department Budget Bill(s).** The Department's budget is finally beginning to work its way through the legislative process. In previous years, the budget process has been quite traditional in that one bill passes one house and then, after committee review, passes the second house. At that point, differences are worked out in a conference committee. Things are different this year. On May 30, the House Appropriations Subcommittee on K-12 and Education adopted some budget recommendations, but did not approve an actual bill. The House has developed an omnibus budget bill for the entire state. At nearly the same time and in a more traditional fashion, on June 2, the Senate Appropriations Subcommittee on K-12 and Education passed SB 269, the Department's budget bill. The following is a brief description of the areas of agreement.

1. Funding of out-of-state travel by the State Board of Education continues to be eliminated.
2. \$1.6 million will be added to the Department's School Breakfast Program.
3. \$2.6 million will be added to cover the costs of converting the high school MEAP test to the Michigan Merit Examination.
4. Both committees feel that the Michigan School Readiness Program should be funded by the School Aid fund, not the general fund.

The prime area of disagreement between the committees is that the House maintains current funding for the National Board Certification on grants (\$100,000), while the Senate agrees with the Governor's proposal to eliminate the funding.

While the House and Senate versions are in substantial agreement, it should be noted that only one of the two versions would become law. In other words, once the Legislature decides on a process to follow, the second House will take up the appropriate budget bill. This is when the Department can try to add appropriate amendments to the legislation.

**Presentations to Legislative Committee.** In the last month, the Department made three presentations to legislative committees. On May 12, I spoke before the Senate Education Committee and provided them with an update regarding the implementation of the High School Michigan Merit Examination. The members seemed pleased with the Department's progress.

On May 26, Dr. Flora Jenkins and Elaine Madigan spoke to the Senate Education Committee. Senator Kuipers had the Office of the Auditor General review two audits of the Department (an audit on pupil counts and an audit on the Office of Professional Preparation Services). Both Dr. Jenkins and Ms. Madigan did an outstanding job of responding to questions, and the committee seemed pleased with the Department's effort to address audit recommendations.

Finally, on June 1, Dr. Yvonne Caamal Canul presented an overview of the Department's recent report to the Legislature on Public School Academies. Again, the committee seemed pleased with this presentation of new information regarding charter schools.

The budget will be the key issue in front of legislators as June progresses. As always, do not hesitate to contact Bob Morris with any questions or concerns regarding legislative activity.

**\* 2005 Legislative Priorities  
State Board of Education**

Issue	Description	Status	Comments
Principal Certification	There is a strong belief that all people who come in direct contact with students receive specific certification from the state. Currently, state law does not require that principals or assistant principals be certified.	<b>Bill requiring voluntary certification of principals &amp; superintendents being finalized by Senator Jelinek.</b>	
Increase Drop Out Age	It is believed that no child should be allowed to drop out of school; that the cost to the child and to society is too great.	SB 4 and HB 4049 have been introduced. The bills are in their respective education committees. <b>Hearing on SB 4 expected in June.</b>	<b>Detroit News series on school drop-out issue has focused more attention on this issue.</b>
Required Expulsions or Zero Tolerance	Current law can exclude or suspend a student from a classroom indefinitely. While there are some provisions to insure children are in a classroom environment, there is a strong belief that many children's educational needs are being neglected.	Conceptual solutions are being developed.	
Public School Academy Oversight	It is believed that legislation should be developed to implement elements of the McPherson Report.	<b>Department presented legislative PSA report to House Education Committee. Bills reflecting Dept. recommendations will be introduced.</b>	The Auditor General has expressed the need for additional oversight of PSAs.
Dual Enrollment	The Cherry Commission has recommended that dual enrollment be expanded so that 50% of all high school seniors are taking some college courses by 2014.	The Department will work with and take the lead in developing methods to increase dual enrollment.	

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<b>Pupil Transportation Act (PA187)</b>	There is a need to recodify and bring PA 187 up to date.	<b>Legislative changes are being finalized before introduction</b>	
Community Youth Workers	The State Board adopted a statement regarding Community Youth Workers.	Specific legislative language and/or SBE policies and guidelines will be developed for State Board consideration.	
<b>High School Reform</b>	There is currently an MDE work group developing recommendations and guidelines for 21 <sup>st</sup> century high schools. Some of these recommendations will require new legislation.	Will seek necessary legislation when the work group makes its report.	The Cherry Commission also makes these changes.
<b>ISD Partnership</b>	The MDE and the ISD community have developed what is referred to as the ISD Partnership. This effort has resulted in the review of the traditional relationships between the MDE and ISDs.	If legislative issues are identified, they will be developed into legislative initiatives.	
<b>Repeal of Antiquated or Unfunded Legislation</b>	The MDE is currently reviewing many state laws to determine whether they are necessary or adequately funded.	Department staff will finalize the list of issues and it will be forwarded to the Legislature.	It is not uncommon for programs for which there is not adequate funding to administer. This effort should help address this problem.
<b>School Accreditation</b>	There is a need to tighten up the state law in this area to reflect the tougher standards of NCLB and EducationYes! The purpose of this is to insure that schools that do not receive Title I funds are meeting rigorous standards.	MDE Staff is developing legislative language.	

\* Changes and updates are in bold