



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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TO: State Board of Education

FROM: Michael P. Flanagan, Chairperson 

SUBJECT: State and Federal Legislative Update

STATE

With the sweeping change from the election, the House leadership will flip parties in the New Year to Republican control. The Senate Republicans now have a supermajority, meaning that the procedural tool the minority party used for leverage to negotiate in the Senate is gone. With the Governor's seat and both chambers in the same party, clearly the question is: can they work together as a team or will inner politics and the competition born of term limits continue to create difficulties in trust and relationship building.

Governor-elect Snyder was viewed as a moderate independent by the Republican Party, and in fact he took no special interest money during his campaign, thus maintaining that independence through the election. He will face great pressure from both the House and Senate caucuses to move to the right. When there is at least one piece of the trifecta in control of the opposite party, there is a natural check and balance that pulls both sides to the middle toward compromise. As both chambers and the Governor's seat will be held by the Republicans, that check is removed. They will need to find the balance within.

Education was not a huge campaign issue on the legislative front, though Governor-elect Snyder noted that he backs merit pay for teachers to reward performance, but he's not sure whether it should go to the entire staff at strong schools or to individuals. He stated that school districts should try to save money by consolidating services, and wants to see busing, cleaning, and serving meals put out for bid.

The new education policy committees, once formed, will develop an agenda. Merit pay and tenure reform will likely be on that agenda, as well as perhaps an expansion of public school academies in one form or another. Education finance may be a focus as it is a large portion of the State's overall budget.

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Given the impending deficit expected of \$1.6 billion, education finance may well be pulled into an overall examination of how the state funds services, public education, and other necessary infrastructure. I expect that further reform of the benefits structure for public education employees will be addressed. The Legislature will be focused on the economy and jobs as those issues were the driving force for many voters. It will be up to the State Board of Education and the Superintendent, as well as staff, to keep pushing the message that the education of our workforce will be critical to the reforms needed in Michigan to make us competitive and thrive. Governor-elect Snyder has said not to walk in asking for money, but walk in talking about the outcomes you want to reach and show how certain investments lead there. Also remember that a significant amount of time and attention must be given by both caucuses to reapportionment.

Given the massive changes, past experience and conventional wisdom infer that there will be little to no lame duck session. For the Michigan Department of Education (MDE), that is problematic for two reasons: 1) the Legislature needs to re-appropriate the federal Education Jobs Funds (the portion that was vetoed) as soon as possible, and 2) according to MCL 380.1280, the House and Senate Education Committees must approve the new Michigan School Accreditation and Accountability System (MI-SAAS) prior to its implementation. The Education Jobs Funds appropriation is likely to be addressed as the pressure from schools on the Legislature will be strong. If the hearings for MI-SAAS do not occur in the lame duck session, the implementation of the new accreditation system may be postponed until the following school year.

FEDERAL

The U.S. Congress will also flip party control over to the Republicans. The U.S. Senate, while remaining under Democratic leadership, has a much closer margin now. It appears that Congressman John Boehner will become the Speaker of the House. During the election season, he was quoted as saying that Republicans will look to cut government and not expand it. "That's likely to mean a move toward less federal involvement in education policy, which expanded under the Bush administration and the enactment of the No Child Left Behind Act of 2002." [Grand Rapids Press column by Dave Murray quoting an EdWeek article, November 3, 2010.]

In that same column, Mr. Murray noted that

"[T]he folks at eSchool News point out that U.S. Rep. John Kline, R-Minn., is in line to succeed George Miller, D-Calif., as chairman of the House Committee on Education and Labor, and Kline has been an advocate of spending more to help students with special needs. 'In a 2009 op-ed piece, he noted that the government pledged to spend up to 40 percent of the cost of special-education services under the Individuals with Disabilities Education Act—but federal IDEA spending has fallen far short of this target amount. Since 1975, we have never met that promise.

In fact, we have never even come close. Even with this year's one-time boost in stimulus funding, which will disappear in a little more than a year, we still fall far short of our guarantee.' He also wants to see these programs fully funded before adding any new reforms, and has said the Race to the Top plans are too rigid."

With a different party taking the reigns, it is clear there will be pushback on some of the initiatives of President Obama and U.S. Secretary of Education Duncan. The Republicans may not all be on the same page and it will take some time for them to sort that out. While much work had been done behind the scenes by Congressman Miller on the ESEA reauthorization, it is likely those mark-ups now will be scrutinized by the new chairman and probably rewritten at least in part. Until the party switch and leadership roles are sorted out, work on this may be pushed back a few months.

I hope this information is helpful to you. If you have any questions or concerns regarding these or other legislative issues, please contact Lisa Hansknecht, Director, Office of State and Federal Relations, at 517-335-4913.