



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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TO: State Board of Education

FROM: Michael P. Flanagan, Chair

SUBJECT: LEGISLATIVE UPDATE

The House and Senate are struggling with the possible replacement of the new service tax. That issue is taking a great deal of their focus and so there is still less action in the standing committees on education policy matters.

There are approximately three more weeks of Session this year, and when Session resumes in the new year, it will be driven initially by the State of the State and the Presentation of the Governor's FY 09 Budget. Next year (2008) is also an election year, which means it is likely that the budget will be completed by July 4th in order for legislators to return to their districts in the summer. Unless the standing policy committees decide to continue with their work alongside the budget subcommittees next year, it is unlikely much non-budget legislation will move.

SENATE

The Senate Education Committee met to discuss House Bill 4220 and SB 842 on Thursday, November 29, 2007. They reported HB 4220, while SB 842 was for testimony only.

HB 4220 (Rep. Espinoza, D-Croswell) – School Board Members as Volunteers

The Michigan Department of Education (MDE) has concerns with this bill; however, as local districts could still choose to prohibit this as part of their local policy, the Michigan Department of Education (MDE) is not actively opposing it. The bill was reported unanimously (4-0, with Sen. Whitmer absent).

PROBLEM/BACKGROUND

In some small districts it may be difficult to fill coaching positions or supervisory positions for extracurricular activities.

DESCRIPTION OF BILL

- House Bill 4220 would amend the Incompatible Public Offices Act to allow a school board member to be a volunteer coach or supervisor of student extracurricular activities if all of the following conditions are present:

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- The board member receives no compensation.
 - During the period the board member serves as a volunteer the board member must abstain from voting on issues concerning that program.
 - There is no qualified applicant to fill the vacant position if the school board member is excluded.
- Criminal record check results are received by the appointment authority.

SUMMARY OF ARGUMENTS

Pro

- Allowing a school board member to volunteer as a coach or supervisor of an extracurricular activity would provide smaller districts with additional options when filling these positions.

Con

- Current law provides a school board with the authority to supervise and terminate employees. It may put the remaining school board members in a difficult situation to supervise a fellow board member.

SUPPORTING

Rep. John Espinoza; Dr. David Michelson, Michigan Education Association; Don Olendorf, Small and Rural Schools; Don Wotruba, Michigan Association of School Boards. Senator Jelinek’s staff expressed the Senator’s support as he has introduced a similar bill in the senate.

OPPOSING

Brian Whiston, Oakland Schools; Robert LeFevre, Macomb ISD; Brad Biladeau, Michigan Association of School Administrators; Kathleen Merry, Wayne RESA.

SB 842 (Sen. Kuipers, R-Holland) – Prohibit Promotion if Fail Basic Literacy in 2nd/3rd Grade

The MDE opposes this bill as drafted, but is willing to work with the sponsor on ways to address literacy skills and early intervention. The MDE’s main issue with the bill is the inclusion of language requiring the mandatory retention of certain students.

PROBLEM/BACKGROUND

Currently, all students are assessed in grades one to five with a nationally recognized norm referenced test or another assessment, which may include a locally adopted assessment.

DESCRIPTION OF BILL

- School districts or public school academies shall measure each student’s literacy skills not later than the end of both grades two and three using either the Michigan Literacy Progress Profile or an assessment developed by the Department to measure grade level content expectations in English language arts of third grade.
- If a student fails to meet standards for basic literacy skills, based on the grade level content expectations in English language arts for grade three, the school district or public school academy shall not promote the student.

The board of the student's school district or board of directors of the student's public school academy shall provide written notice to the student's parent or legal guardian that the student failed to meet the standards for basic literacy skills.

If the student is enrolled in a school that is required to provide supplemental services, the parent or legal guardian has a right to receive reimbursement for the student to receive services from a supplemental service provider.

- The Department shall develop and make available a model summer English language arts program that may be adopted by school districts and public school academies.
- The Department shall develop and make available a model notice for parents that a child has failed to meet the standards of basic literacy skills, the possibility of the child being held back a year, and information about additional services that may be available.

The Department shall develop and make available a statewide resource guide of public and private supplemental service providers.

- A school district or public school academy shall use the supplemental service funds for the purpose of bringing student's literacy skills to grade level before using these funds for any other purpose.

SUMMARY OF ARGUMENTS

Pro

- Early intervention to facilitate each student's basic literacy skills prevents future problems in the student's academic and social life.

A model English language arts program would benefit many students in Michigan.

Using supplemental service funds for literacy services provides valuable resources so a student can learn to read well.

Con

- The Michigan Literacy Progress Profile (MLPP) was not designed to be an outcome assessment. It is not norm referenced. There are no scientific studies to determine if it is reliable or valid.
- Research suggests that retention is an insufficient intervention strategy for promoting student achievement. Research also suggests that retention leads to higher drop out rates in the later grades regardless of the grade student's were retained in school.

The Department of Education would be fiscally responsible for developing and implementing the model English language arts program. No funds are available

A list of supplemental educational service providers already exists and is posted on www.michigan.gov/mde-ses. The Department has done a study of effectiveness.

Supplemental educational services are provided for Title I schools only. Only 38 percent of all schools in the State are Title I schools. That means that students who face literacy challenges in the other 62 percent of the schools would not be eligible for assistance.

HOUSE

The House Education Committee has held hearings on the Michigan Promise Zone legislation. Treasury is the lead agency on this legislation as it relates more to the tax code and establishing the zones than to education per se. The House also met and reported SB 730; a summary of this bill follows.

Senate Bill 730 (Sen. Gleason, D-Flushing) – Updating language referring to persons with disabilities

This bill recently was reported from House Education Committee (20-0). It previously passed the Senate unanimously.

SUPPORTING

MDE, the Michigan Education Association (MEA), Small and Rural Schools

PROBLEM/BACKGROUND

The Revised School Code uses the term "handicapped person" to refer to students with disabilities. The term "handicapped person" is derogatory and not appropriate.

DESCRIPTION OF BILL

- Senate Bill 730 would amend the Revised School Code by replacing the term "handicapped person" with the term "person with a disability." The term "person with a disability" would be defined by rules promulgated by the State Superintendent of Public Instruction. Disabilities would include, but are not limited to, mental, physical, emotional, behavioral, sensory, and speech disabilities.

SUMMARY OF ARGUMENTS

Pro

- Replacing the term "handicapped person" is appropriate and consistent with other changes in federal and state legislation.

If you have any questions or concerns regarding these legislative issues, please contact Lisa Hansknecht at 517-241-4993, or at hansknechtl@michigan.gov.