



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

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MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

**MEMORANDUM**

TO: State Board of Education

FROM: Michael P. Flanagan, Chairperson

SUBJECT: State and Federal Legislative Update

**State Update**

FY 2011 Budgets

The House Subcommittee on K-12 Education continues its work on the Michigan Department of Education and School Aid budgets (SBs 1154 and 1163, respectively). At this point, action by the subcommittee is expected in mid-May.

The Consensus Revenue Estimating Conference is May 14 and that will play a key role in how the budgets are developed from that point on. Depending on how revenues are doing, that may dictate more cuts or show additional revenues that may be used in the debate over what additional revenues and reforms are needed for schools.

SB 757 – Curriculum – Senator Kahn

Senate Bill 757 passed both chambers overwhelmingly (104-3/32-3) and has been sent to the Governor. This bill makes some minor adjustments to the educational plan required of students and allows students with a Personal Curriculum modification to take Statistics or Data and Function Analysis in place of Algebra II. Keep in mind that there was a time that the content from those two “new” courses was included in the content for Algebra II. Schools wanted to continue to have that flexibility to teach that content for children in need of a modification.

Finance Issues before House Education Committee

The House Education Committee is looking at several finance bills related to capping superintendent salaries, limiting school district general fund balances, and retirement reforms, etc. The debate on this has been contentious and continues. Even as of today, the Governor and House and Senate leadership have been negotiating to try to find a compromise.

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## **State Board of Education Legislative Committee**

On April 26, 2010, the Legislative Committee of the State Board of Education met. Representative of the Education Alliance were also in attendance. They discussed several bills and made recommendations to the full Board as follows.

### Anti-bullying – HB 4580/SB 275 (Rep. Byrnes and Senator Jelinek, respectively)

The Legislative Committee recommends to the full Board that the Board support the anti-bullying legislation as introduced. This legislation requires local districts to create a policy on anti-bullying and includes requirements on the policy's content. While this legislation does not include any enumeration of groups to be protected (like the State Board of Education model policy), it does include language ensuring that addresses conduct that is reasonably perceived to be motivated by animus or by an actual or perceived characteristic. There was an amendment being considered by the Legislature to remove that language, rendering the bill toothless. The Legislative Committee of the SBE did not support that amendment and thus recommends supporting the bill as introduced.

Since the time of the Legislative Committee, the House Education Committee defeated that amendment and reported the bill to the floor as introduced with bipartisan support (Yeas: Reps. Melton, Lisa Brown, Bledsoe, Byrum, Corriveau, Haase, Kennedy, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Ball, Tyler and Walsh; Nays: Reps. Pavlov, Amash and McMillin). The bill is expected to pass this House the week of May 10<sup>th</sup>.

### Shared Superintendents between Intermediate School Districts and Local Districts – HBs 6008, 6009, and 6010 (Reps. Brown, Lahti and Lahti, respectively)

The Legislative Committee recommends to the full Board that the Board support the shared superintendent legislation. This legislation would allow an intermediate school district superintendent to also serve simultaneously as a local school district superintendent. This goes along with much of the focus on consolidation of services and budget cutbacks. The Department staff raised some questions about how this would work for pupil accounting and for decisions on funding between local districts and as the shared superintendent may have a conflict of interest. The Legislature is looking for ways to address those concerns.

### Revisions to Public Act 72 of 1990 – legislation yet to be introduced

The Legislative Committee recommends to the full Board that the full Board recommend to the Legislature that Public Act 72 be amended to clarify (1) the role of the Michigan Department of Education as it relates to the roles and responsibilities of Emergency Financial Managers, (2) the role of Emergency Financial Managers between academic and fiscal responsibilities, (3) that the Michigan Department of Education focus on its role with academics and deficit elimination plans, (4) that the Michigan Department of Treasury has responsibility for oversight of Emergency Financial Managers.

This follows the discussion about the need to further clarify PA 72 that if an Emergency Financial Manager is appointed for a district, the roles, focus, and oversight responsibilities are clear.

## Federal Update

### Elementary and Secondary Education Act (ESEA)

As you know, the discussion has begun on the reauthorization of the Elementary and Secondary Education Act (ESEA). The U.S. House and Senate Committees that cover education continue to hold hearings and the plan remains to finish work on this by August of this year.

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 of the Office of State and Federal Relations, 517-335-4913.

**It is recommended that the State Board of Education (1) support House Bill 4580 and Senate Bill 275 (anti-bullying) as introduced, (2) support House Bills 6008, 6009, and 6010 (shared superintendent between intermediate school districts and local districts); and (3) recommend to the Legislature that Public Act 72 be amended to clarify (a) the role of the Michigan Department of Education as it relates to the roles and responsibilities of Emergency Financial Managers, (b) the role of Emergency Financial Managers between academic and fiscal responsibilities, (c) that the Michigan Department of Education focus on its role with academics and deficit elimination plans, (d) that the Michigan Department of Treasury has responsibility for oversight of Emergency Financial Managers.**