



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT
OF PUBLIC INSTRUCTION

May 23, 2008

TO: State Board of Education

FROM: Michael P. Flanagan, Chairman

SUBJECT: Legislative Update

BUDGET

The May Revenue Estimating Conference showed a decline in the revenues expected. Consequently, there is much talk in the Legislature and by the State Budget Office about how to address the budget bills and how/what levels to set funding level targets.

For the FY 09 budget, the State School Aid revenues are \$163.2 million less than expected in January when the Governor proposed her budget. The FY 09 General Fund/General Purpose revenues proposed for K-12 are \$309.1 million less than expected in January. This will change the direction and put into focus the priorities of all parties involved.

Some of this is mitigated by some carry-forward dollars from FY 08 that were left untouched in anticipation of poor revenues for FY 09. But it is not enough to cover the entire \$472.3 million reduction in the expected revenues.

**Senate Bills 1096 and 1107 MDE/School Aid budgets respectively –
Sen. Jelinek (R-Three Oaks)**

The House Appropriations Subcommittee on K-12 Education has held hearings on the School Aid and Michigan Department of Education (MDE) budgets. The Subcommittee was expected to report these bills to the full House Appropriations Committee in early May. Given the new revenue estimates, this process was delayed and further work crafting the bills was necessary. The bills are now expected to be reported in early June.

STATE BOARD OF EDUCATION

KATHLEEN N. STRAUS – PRESIDENT • JOHN C. AUSTIN – VICE PRESIDENT
CAROLYN L. CURTIN – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER
NANCY DANHOF – NASBE DELEGATE • ELIZABETH W. BAUER
REGINALD M. TURNER • CASANDRA E. ULBRICH

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

HOUSE ACTION

House Subcommittee on High School Alternatives

The House Subcommittee on High School Alternatives is still hearing testimony regarding the high school graduation requirements. Most recently, it heard testimony from concerned parents and educators in northern Michigan about the math requirements and the impact of the curriculum on special education children

The message from the schools seems to be that, while the law went into effect over two years ago, they still are facing difficulties implementing the requirements and making changes to their educational systems and teaching practices. While the legislation provided a great deal of flexibility to the schools, the message the school community is laying out is that some students are struggling. It is important that the public also continue to hear from you as State Board members, from the Department, and from the Superintendent about not only the need for the requirements and their importance, but also about the flexibility schools have to provide instruction.

House Bill 5963 Interstate Compact on Educational Opportunity for Military Families – Rep. Polidori (D-Dearborn)

House Bill 5963 has passed both chambers unanimously, though the Senate made some changes, and it is now awaiting House concurrence, which is expected on May 27, 2008. The bill would create an Interstate Compact on Educational Opportunity for Military Children that addresses the educational transition issues of children of military families. The average military student faces transition challenges more than twice during high school and will attend six to nine different school systems in their lives from kindergarten to 12th grade.

Once the compact is created, and the various member states join together to address the transition challenges facing the children of military families, then there may need to be adjustments to the Revised School Code to reflect that. These changes would come before the Legislature in the future.

SENATE ACTION

Senate Bills 842 and 1275 Literacy Efforts – Sen. Kuipers (R-Holland)

The Senate has been holding hearings on legislation addressing literacy. Senate Bills 842 and 1275 have been discussed in committee and new versions of these bills are currently being drafted.

Senators Kuipers office has worked with the school management and education advocates as well as the Department to craft these bills. They are expected to move in early June.

Senate Bill 1013 Aligning NCLB and the Revised School Code Related to Consequences for Schools that do not make Adequate Yearly Progress – Sen. Kuipers (R-Holland)

The Senate Education Committee has held hearings on SB 1013. This bill amends the Revised School Code to align the section related to penalties for poorly performing schools by changing the reference to those schools that do not make Adequate Yearly Progress (AYP). Currently the law states that the Superintendent can require a list of consequences to occur to poorly performing schools, but the measure used is the accreditation status of the school. This bill changes that to reflect the NCLB Act by referencing instead those schools that do not make adequate yearly progress for a certain number of years. The Department testified to explain all the ways MDE assists to prevent schools from reaching this point. The bill is expected to move in June.

Much of the legislative action is now tied up in the budget negotiations. All parties have their "wish lists" and thus almost everything now becomes a factor for negotiations. If you have any questions or concerns regarding these legislative issues, please contact Lisa Hansknecht at 517-335-4913, or at hansknechtl@michigan.gov.



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

May 23, 2008

MEMORANDUM

To: State Board of Education

From: Michael P. Flanagan, Chairman 

Subject: Federal Issues Update

U.S. Department of Education Issues Proposed Regulations on Title I of the Elementary and Secondary Education Act and Part B of the Individuals with Disabilities Act

Staff in the Offices of School Improvement, Educational Assessment and Accountability and Special Education and Early Intervention Services are reviewing respective sets of proposed regulations issued in recent weeks by the U.S. Department of Education (USED).

In the Title I set, the proposed rules address state accountability and assessment systems, supplemental education services, the National Assessment of Educational Progress, schoolwide programs, and public school choice. There is a June 23 deadline for submission of comments to USED.

In a recent conference call sponsored by the Council of Chief State School Officers, various states expressed concerns over increased data burdens the regulations would generate, a likely increase in state costs, and whether the regulations went beyond the scope of the law.

There are three primary issues in the Individuals with Disabilities Act proposed new regulations: Empowering parents to have the authority to remove their children from special education services; to permit non-attorneys to represent individuals in due process special education hearings throughout the country; and adding more direction for state and local education agencies in monitoring and public reporting.

STATE BOARD OF EDUCATION

KATHLEEN N. STRAUS – PRESIDENT • JOHN C. AUSTIN – VICE PRESIDENT
CAROLYN L. CURTIN – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER
NANCY DANHOF – NASBE DELEGATE • ELIZABETH W. BAUER
REGINALD M. TURNER • CASANDRA E. ULBRICH

606 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

New Interpretations Proposed for English Language Learners by U.S. Department of Education

The USED is seeking to clarify English Language Learner (ELL) student inclusion and alignment in its relationship with Title I of the Elementary and Secondary Education Act under new proposed "interpretations" of Title III, Language Instruction for Limited English Proficient and Immigrant Students issued May 2, 2008. Prior to this, no guidance had emerged for Title III since the No Child Left Behind Act (NCLB) became law on January 8, 2002.

How the Adequate Yearly Progress (AYP) determinations for Limited English Proficient (LEP) students compare to the Title III Annual Measurable Achievement Objective III is a critical point. Some have suggested that the flexibility that is available under Title I's AYP does not necessarily transfer to Title III because the latter title requires LEP students to meet math and reading proficiency requirements at every grade span every year.

Apparently USED believes that 20-35 percent of LEP students are omitted from school AYP calculations because districts frequently do not have two consecutive years of data. The primary goal from USED's perspective is to confirm that LEP students are counted for AYP purposes.

Separate guidance will be emerging later for fiscal responsibilities of districts and states under Title III. Specific issues to be addressed will be supplement not supplant provisions and directives on reporting and fiscal responsibilities for Title III consortia.