



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

July 28, 2009

TO: State Board of Education
FROM: Michael P. Flanagan, Chairperson 
SUBJECT: State and Federal Legislative Update

STATE

While it appears the Michigan Legislature will hold session only a few times in August, budget target negotiations are occurring behind the scenes. Because of the massive cuts and tough choices needed, the budgets may not be finalized until September.

Related to the Michigan Department of Education (MDE) budget bill, once the Legislature has set targets, the Department will work with the State Budget Office to find the cuts necessary to meet these targets.

A memo was sent to key education appropriations lawmakers about items of specific interest to the Department related to testing and technology (see attachment). Most importantly, an amendment was added in the Senate to Section 104 that would require MDE to make certain changes to testing that would a) put the state in violation of federal law; and b) cost a significant amount of money due to that violation. This amendment requires MDE to use off-the-shelf tests without augmentation to measure Michigan's content standards, which is not allowed under federal law. The amendment would require MDE to apply for a waiver from the federal government to allow for this, but waivers like this have never been granted, nor are they likely to be granted in the future. Even if the federal government reversed its position and granted such a waiver for augmentation, this would move Michigan from a state with high quality content standards to a state with content standards defined by a test company and subject to its whims and changes. This amendment presents significant problems for MDE and the State of Michigan.

The Senate amendment also eliminated social studies testing in two grades, which would create a perception of less value for that subject. This is obviously an area of concern since social studies teaches children about the world around them and about being a good citizen in the new global economy. Knowing Michigan's rich history and understanding its economy, as well as the culture and history of those with whom the nation's economy is intertwined, is critical to Michigan's success.

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608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
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The memo also raised concerns about the new technology language inserted into the School Aid budget (Sec. 101) in the Senate version. The language seems directed toward one program instead of the various resources available (GenNet, Michigan Virtual University, and other providers that may step forward). In addition, the language appears to require that a waiver be granted automatically, as opposed to allowing for a waiver application and having the Superintendent/MDE make a decision about the quality of the request and the efficiency/ effectiveness of the program with regard to cost and student achievement. Also, the time allotted for Department approval of a waiver is too short given limited staff resources. MDE would much rather see technology addressed separately and more wholly. The Department has been working to develop language to allow for rule promulgation to define cyber education clearly and transparently. Therefore, the memo included a request that the Legislature remove the technology amendment language in Section 101. If they wish to provide for some definition of cyber education at this time, MDE supports inclusion of language providing for rule promulgation to develop such a definition. This would allow the Department to work openly with the stakeholders and interested parties to develop a cohesive and flexible definition to meet the needs of schools and students.

Michigan Department of Education Budget – House Bill 4438, Representative Terry Brown (D-Pigeon)

The Michigan Department of Education (MDE) budget bill, HB 4438, is awaiting action in conference committee. Given the size of the deficit facing the state, the Legislature is moving slowly. At this point, it appears the budgets could be passed late in August or September. There are target setting meetings occurring, but the conference committees have not begun developing specific budget recommendations related to line items.

The Department is continuing to push for appropriate staffing, including a position to assist an increasing number of districts in deficit due to the current economic woes. Additionally, MDE staff is pushing for the elimination of redundant and/or unnecessary reports and hopes the Legislature will agree to remove from the budget, given tight staffing resources.

State Board Priority – Administrator Certification

Based on the resolutions adopted by the State Board of Education and sent to the state legislators, there are some beginning conversations behind the scenes toward getting a bill introduced to return to a mandatory administrator certification. Several legislators have contacted MDE with inquiries and are appreciative of the State Board's recommendation related to this issue. As this develops, more information will be provided and perhaps assistance from the State Board members in garnering support.

FEDERAL

Currently, Congress is in recess. Any work currently being done is focused on health care. It is unlikely that reauthorization of the Elementary and Secondary Education Act (ESEA) will occur in 2009.

There is continuing guidance coming from the United States Department of Education (USED) on the American Recovery and Reinvestment Act (ARRA). MDE staff is continuing their work to pass along information from the USED as it arrives.

If you have any questions or concerns regarding these or other legislative issues, please contact Lisa Hansknecht, Legislative Director, at 517-335-4913.



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MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

July 10, 2009

MEMORANDUM

TO: Senator Ron Jelinek, Senator Cameron Brown, Senator Michael Switalski, Representative George Cushingberry, Representative Terry Brown, Representative Gail Haines, Representative Richard Hammel

FROM: Lisa Hansknecht, Legislative Director

SUBJECT: School Aid Budget

Thank you for your continued work on the School Aid budget given the obstacles currently facing our state. I know this is a difficult task and commend you for your commitment. I am writing to provide input and request changes to the School Aid budget in response to some changes from the Legislature.

First, and most importantly, an amendment was added in the Senate to Section 104 that requires the Michigan Department of Education (MDE) to make certain changes to testing that would a) put us in violation of federal law; and b) cost a significant amount of money due to that violation. This amendment requires MDE to use off-the-shelf tests without augmentation to measure Michigan's content standards, which is not allowed under federal law. It would also require MDE to apply for a waiver from the federal government to allow for this, but please know that waivers like this have never been granted, nor are they likely to be in the future. Even if the federal government reversed its position and granted such a waiver for augmentation, this would move us from a state with high-quality content standards to a state with content standards defined by a test company and subject to its whims and changes. This amendment presents huge problems for MDE and the State of Michigan.

The Senate amendment also eliminated social studies testing in two grades, which will create a perception of less value for that subject. This is an area of concern for MDE, as I am sure it is with you. Social studies teach children about the world around them and about being a good citizen in the new global economy. Knowing our rich history and understanding our economy, as well as the culture and history of those with whom our nation's economy is intertwined, is critical to Michigan's success.

Memorandum
July 10, 2009
Page 2

For these reasons, we ask that you remove the new language in Section 104. I would be happy to sit down with you at your convenience to discuss any further testing concerns that you have.

Second, MDE has concerns about the new technology language inserted into the School Aid budget (Sec. 101) in the Senate version. The language seems directed toward one program instead of the various resources available (GenNet, Michigan Virtual University, and other providers that may step forward). In addition, we have a more technical concern: the language appears to require that a waiver be granted automatically as opposed to allowing for a waiver application and having the Superintendent/MDE make a decision about the quality of the request and the efficiency/effectiveness of the program with regard to cost and student achievement. Also, the time allotted for Department approval of a waiver is too short given our limited staff resources. We would much rather see technology addressed separately and more wholly. The Department has been working to develop language to allow for rule promulgation to define cyber education clearly and transparently.

Therefore, we ask that you remove the technology amendment language in Section 101, and, if you wish to provide for some definition of cyber education at this time, we support inclusion of language providing for rule promulgation to develop such a definition. This would allow the Department to work openly with the stakeholders and interested parties to develop a cohesive and flexible definition to meet the needs of our schools and students.

Again, thank you for your work on this budget that is of such importance to the children of Michigan. If you have any questions or concerns, please feel free to call me (517/241-4993 or my cell phone is 517/749-3477).

cc: Michael P. Flanagan, State Superintendent of Public Instruction
Senate Majority Leader Michael Bishop
Speaker of the House Andy Dillon
Rick Floria, Director of Financial Management, MDE
Dan Hanrahan, Director of State Aid and School Finance, MDE
Robert Emerson, State Budget Director
Robbie Jameson, State Budget Office