



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

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SUPERINTENDENT OF  
PUBLIC INSTRUCTION

April 4, 2012

**MEMORANDUM**

TO: State Board of Education

FROM: Lisa M. Hansknecht, Director, Office of State and Federal Relations

SUBJECT: State and Federal Legislative Update

**STATE UPDATE**

School Aid and Michigan Department of Education Budget – FY 2013

The House and Senate K-12 and the Michigan Department of Education (MDE) Appropriations Subcommittees each have reported a budget bill to their respective chamber's full Appropriations Committee. Those Committees will take up these bills after the legislative recess. The versions reported were very different from each other and from the Governor's recommended budget.

Of particular note to the State Board:

- The Senate Subcommittee removed 36 percent or \$500,000 from the line item in the MDE budget for the State Board/Superintendent's office funding. This large of a cut likely would mean layoffs.
- The Senate Subcommittee version removed funding for the Michigan Education Assessment Program (MEAP) and would replace that test with an off-the-shelf computer adaptive test. Less funding is provided in the change and would not cover the costs of the switch, nor would such a test meet federal requirements, endangering \$600 million plus in federal funding. It is also important to note that the off-the-shelf tests are not adaptive to students with disabilities and thus likely would be in violation of federal special education laws, specifically the Individuals with Disabilities Education Act (IDEA).
  - As you know, Michigan is moving toward a computer adaptive test via the consortium that aligns with the Career and College Ready Standards already approved by the State Board. The Senate Subcommittee's proposal to have an interim test prior to the consortium test is unwieldy and disruptive at this time.
- Your support for members of the full Senate Appropriations Committee on these matters is especially important and appreciated.

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As you know, in the past the chambers took turns moving a budget so there was just one proposal moving through the process. The new protocol is that each chamber moves its own version at the same time with the bills finally ending in Conference Committee for negotiation of differences. As such, there are four (4) bills instead of two to follow in this process. The respective fiscal highlights of the two House and the two Senate bills (MDE and School Aid bills) are available at the following links:

- The MDE budget bills for each chamber are HB 5389 and SB 952.
  - House Subcommittee:  
<http://www.legislature.mi.gov/documents/2011-2012/billanalysis/House/pdf/2011-HLA-5389-2.pdf>
  - Senate Subcommittee:  
<http://www.legislature.mi.gov/documents/2011-2012/billanalysis/Senate/pdf/2011-SFA-0952-S.pdf>
- The School Aid budget bills for each chamber are HB 5388 and SB 961.
  - House Subcommittee:  
<http://www.legislature.mi.gov/documents/2011-2012/billanalysis/House/pdf/2011-HLA-5388-2.pdf>
  - Senate Subcommittee:  
<http://www.legislature.mi.gov/documents/2011-2012/billanalysis/Senate/pdf/2011-SFA-0961-S.pdf>

As requested, continued support and contacts by the State Board of Education members to the Appropriations Committee members in support of the Governor's recommended MDE budget and the School Aid initiative for performance funding in line with the SBE priorities recommendation continues to be helpful.

#### Higher Education Programs for Counselors

The House Education Committee reported a package of two resolutions to the President and United States Congress and to all Michigan public universities, respectively, and a bill creating a new act (HRs 111 and 112, and HB 5040). Under the proposed legislation, public degree- or certificate-granting colleges, universities, junior colleges, and community colleges would be prohibited from disciplining or discriminating against a student in the *counseling, social work, or psychology* programs because the student refused to serve a client whose goals, outcomes, or behaviors conflicted with the student's sincerely held religious belief, as long as the student referred the client to a counselor who would provide the counseling or services. Initially it was believed the package was up for testimony; however, the Committee took a vote and reported the bill.

The bill is awaiting action on the House floor. It is unclear if there is any intent to move it further. The politics of the issue at hand create a great deal of emotion and divisiveness. The vote and the list of organizational positions are as follows:

Yeas: Reps. Lyons, Hooker, Crawford, McMillin, Franz, Heise, Nesbitt, O'Brien, Price, Shaughnessy, Yonker and Bumstead

Nays: Reps. Brown, Darany, Howze, Hobbs, Rutledge and Geiss

The Michigan Family Forum supports the bill. (3-14-12)  
The Michigan Attorney General supports the bill. (3-14-12)  
The Michigan School of Professional Psychology opposes the bill. (3-14-12)  
The Michigan School Counselor Association opposes the bill. (3-14-12)  
The National Organization for Women opposes the bill. (3-14-12)  
The Michigan Counseling Association opposes the bill. (3-14-12)  
Equality Michigan opposes the bill. (3-14-12)  
The Council on Social Work Education opposes the bill. (3-14-12)  
The National Association of Social Workers and the Michigan Association of Social Workers oppose the bill. (3-7-12)  
The American Civil Liberties Association opposes the bill. (3-7-12)  
The Presidents' Council of Public Universities of Michigan opposes the bill. (3-7-12)  
Western Michigan University opposes the bill. (3-7-12)

#### Kindergarten Starting Age – SBs 315-316 and HBs 4513-4514

Per last month's State Board of Education meeting, the Board's position on legislation to change the kindergarten start age legislation was expressed to both the House and Senate Education Committees.

The Senate Committee did incorporate a three year phase-in and the bill sponsor, Senator Booher, noted the commitment of the Chair of Senate Appropriations Committee, Senator Kahn, to ensure resources are provided toward child care are supported with quality early education options for the children affected by the change. The Senate Committee reported the bills which are awaiting action on the Senate floor. The House Education Committee is still considering the House-sponsored legislation.

Since last month's Board meeting, further discussion and analysis have occurred, and MDE staff recommend not including a waiver provision in the bill and making a change in 32D to align the dates for the Great Start Readiness Program (GSRP) and this bill:

- 1) Waiver - The requirement of the waiver provision will be costly to implement and will vary widely. There is no widely available simple-to-administer valid and reliable "skills level assessment" that can accurately predict a child's kindergarten readiness or success. Each school building is required to implement its own process, which will lead to wide disparities in the process and determination of "school readiness." Further, given competition and choice pressures, the waiver provision by school building may tempt buildings and districts to develop processes to attract and enroll the younger children and plan ahead for them to attend two years of kindergarten. This may encourage children to be waived inappropriately in some cases and would create additional state expense.
- 2) The state's Pre-kindergarten program, the Great Start Readiness Program, is designed for children for the year before they are eligible to enter kindergarten. A change in Section 32d of the State School Aid Act should be tied to this bill so that the ages are aligned and that children in that program are 4 but not yet 5 by September 1 rather than December 1. Without this, if

the legislation passes, children born during the three months in question would not be eligible for either program.

These recommendations were expressed to the Committees but separately from the State Board's resolution, with an acknowledgement that they were raised after the Board's discussion.

### Resolutions on Assorted Issues

The House Committee on Education has reported three additional resolutions related to the following issues and messaging:

- HR 148 (Kurtz), a resolution to encourage school boards throughout the state to establish policies that ensure that agricultural science courses count toward graduation.
- HR 153 (Johnson), a resolution to encourage Michigan schools to offer foreign language classes in elementary school.
- HCR 46 (Pettalia), a concurrent resolution to memorialize Congress to reconsider cuts to vocational education.

### Seat-time Waiver Legislation

House bill 5392 was reported by the House Education Committee in March. As discussed last month, the current version institutionalizes the seat-time waivers already in existence in various school districts, thus streamlining the process and removing the need for the MDE staff to reapprove the same waivers each year.

The bill took the current MDE guidance on waivers and put it in statute so that any other district that wants to provide a program that fits into that model would be able to do so. Rather than needing an annual waiver, the law provides for the flexibility if they meet the requirements from the MDE guidance. Finally, while the original bill had removed the Superintendent's authority to grant such waivers, the bill, as reported, maintained that authority so that if any school district came up with a new model that did not fit the current guidelines and structure, the district could present it and request a waiver. The waiver then continues to serve as an incubator for innovation.

Unfortunately, while the bill is a positive move for schools and helpful to the Department and State in terms of capacity and streamlining work, the current version tie-barred the bill to the legislation lifting the cap on cyber charter schools. The Board already stated its opposition to that bill. The position on the seat-time waiver bill then must be opposed unless the tie-bar is removed. This bill is on the House floor awaiting action.

## **FEDERAL UPDATE**

### ESEA Reauthorization

The House is continuing its work on bills to reauthorize parts of the Elementary and Secondary Education Act (ESEA). As I am sure you heard from your conference in Washington, D.C., and from the meetings you held with Congressional offices on the Hill, while there is movement on the House, the likelihood of the Senate and House both passing something and then reaching agreement before the election is highly unlikely.

Both the National Association of State Boards of Education (NASBE) and the Council of Chief State School Officers (CCSSO) are focusing their attention on pushing for reauthorization sooner rather than later and emphasizing that the federal waivers are a stopgap measure at best; however, it appears that the partisanship and election year battles are making any real progress doubtful.

I hope this information is helpful to you. If you have any questions or concerns regarding these or other legislative issues, please feel free to contact me at 517-335-5310.