

# Right to Innovate Proposal

Developed by the *Consensus for Change* Think Tank

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Premises:

- Schools are facing immense pressure to change and innovate
- Current law is helpful but needs to be expanded, and to be more specific
- Providing legal mechanisms for encouraging/facilitating innovation is good public policy and is cost neutral to the state

Specifics of Right to Innovate Concept:

- Amend PERA (Public Employment Relations Act) to provide that experimental programs shall not be subject to collective bargaining for a period of seven years after their introduction. Current law identifies pilot and experimental programs as a prohibited topic for negotiation but does not specify a time frame, which this legislation would remedy.
- Expand items currently excluded from negotiation to also include: compensation for staff within the experimental program, hiring of staff for experimental programs, and the methods and means of delivering instruction.
- Grant an automatic seat-time waiver for experimental programs and base FTE on performance/proficiency rather than seat-time.
- Allow school districts to hire non-traditional personnel (with or without a teaching certificate) based on a plan approved by the Michigan Department of Education. Such personnel would need to be trained in pedagogy and classroom control and discipline, and work in conjunction with a trained, certified educator.
- Exempt experimental programs from the current law requiring that a school district directly employ a teacher. This would allow school districts to contract with private groups of teachers or a company that offer educational solutions, including personnel for implementation.

## Consensus for Change Think Tank

### *The Right to Innovate*

2010

#### **Challenges:**

Michigan is facing unprecedented times in preparing students to work and live successfully in a global world that is changing 24/7. We need to prepare students for jobs that have not been created, using technology that has not been thought of yet in order to close the global achievement gap as we prepare our students to become successful global workers and citizens. (Yong Zhao, *Catching Up or Leading the Way*, 2009; Tony Wagner, *Closing the Global Achievement Gap*, 2008)

In addition to these educational challenges, we face a financial in Michigan and in our nation that is not likely to be remedied in the next few years. We are not in a recession; we are in a recalibration of our economy. When Michigan's recovery comes, we will have lower wages and benefits, and we may have fewer resources available to our schools to do the work of education. These challenging times have brought us a great opportunity. The following proposals will help pave the way to unlimited opportunities for Michigan schools and the ability to be truly innovative.

These proposals will allow schools to be innovative in closing the global achievement gap, raise student achievement, increase the number of students participating in early college programs, reduce the dropout rate and be fiscally responsible by removing some of the traditional barriers associated with meaningful, effective and efficient change.

#### **Proposals:**

##### **I. Grant All Michigan Schools Pilot/Experimental Status for Seven Years**

MCL 423.215 Section 15 subsections 3h-i & 4

- Define a minimum time period for pilot or experimental programs to maintain this status for a minimum of seven years in order to allow schools to establish a new program without interference from the local teacher associations.
- This will give school districts seven years to establish clear data as to the effectiveness of the new curriculum or program. It takes a minimum of five years to establish a trend.
- This will also give the school district time to evaluate and adjust the curriculum and methods without interference from the teacher unions.

- The pilot or experimental program will become part of the culture by the time seven years have elapsed.
- The MEA is defining pilot and experimental programs being limited to one-year. There has never been an arbitration challenge to their position.
- Currently, the school code does not require us to bargain class size although it is permissible. Most school districts have language in their contracts that include class size. With pilot/experimental status, class size would be exempt as well during the seven year period.
- MCL 423.215 Section 15, Subsection 3h: Alternative Compensation: Allow school employers to hire new teachers for pilot or experimental programs without being tied to the teacher's contract for seven years. Subsection h states: Decisions concerning use of experimental or pilot programs and staffing of experimental or pilot programs and decisions concerning use of technology to deliver educational programs and services and staffing to provide the technology, *or the impact of these decisions on individual employees or the bargaining unit.*
- Amend subsection (h) to include compensation. This will help to make it more affordable to start-up new programs and offer new curricula. Similarly, it may be necessary to hire a non-traditional teacher and put them on a higher pay scale that would not be allowable under the current contract. MCL 423.215 section 15, subsection 3h allows schools to layoff teachers in order to hire new teachers for a pilot program. This change will allow schools flexibility with the compensation package for that pilot teacher. Sometimes in order to hire an engineer, a district will have to pay more than the teachers' contract allows for a person with no teaching experience and/or without a master's degree. Secondly, due to the number of unemployed teachers, some teachers would be willing to work for less money than the current contract allows. This will allow the district to save money when launching a pilot or experimental program. This savings could be realized for seven years.

## **II. Performance Based Pupil Accounting versus Seat Time Based Pupil Accounting**

An ambitious Performance Based Pupil Accounting program will allow students the ability to earn high school credits online 24/7. The online courses can be used in a hybrid fashion as well. The hybrid on-line classes will support teacher instruction in the classroom. The benefits include helping students complete their homework

successfully, support remediation, support acceleration of learning, and allow students who are home sick or traveling to not miss their classes and assignments. For example, a teacher's lesson can be video captured and posted to the school's website. In order to allow for year-round, 24/7 learning, ALL schools need to free of seat time requirements. This will allow students to take courses from international teachers. Due to time zone differences, they may be taking their class in the evening or early morning. Likewise, they may be taking their class on a different school calendar if the course is being taught by a teacher in South America, for example.

### **Pupil Accounting: Section 2 – Hours of Pupil Instruction**

- Eliminate the requirement that the pupil must be concurrently enrolled and attending at least one course offered by the district in which credit is earned and regular daily attendance is required.
- Eliminate the requirement that virtual learning is limited to two classes per semester per pupil. This will permit students to take more than the two online classes currently allowed.
- Eliminate the requirement that the pupil must be enrolled by and be in attendance on the appropriate count day (September or February) or during the 10/30 day rule period during the class time designated for the course on the pupil's class schedule. Recognize students who are logged in and registered for their online classes. Also, recognize students who may take the course on a complete non-traditional calendar schedule.
- Allow students to take courses with FTE based on proficiency and equivalent credits that constitute full-time enrollment in the local district. Do not limit the number of courses a student can take in a year or a semester to the number based upon traditional seat time schedules.
- Allow the district to establish a year-round school (for both Middle School and High Schools students taking high school courses) that is 24/7. Students could be counted for 1 FTE by completing a minimum equivalence to one full year of high school credits (6 credits) annually. Annually would be from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year.

If we want to educate students according to their optimal learning time, we would not start high school classes before 10 a.m. Experience has shown many students learn best late at night, not early in the morning. Seat time requirements would make this impossible.

Offering classes online year-round would be limited due to the seat time rules. This will allow for both the support of a credit recovery program and the support of alternative education students who may have been suspended or expelled. Online

International Baccalaureate (IB) programs can be made available for students who do not have an IB program at their own high schools. High school students should have the flexibility to come and go based on their educational plan not their seat time.

### **III. Early/Middle College**

#### **Pupil Accounting: Section GB – Early/Middle College**

- o Change to allow LEA to establish an Early/Middle College agreement with a private college, university, a junior college or community college.
- o Eliminate the requirement that dual enrollment students must be enrolled in at least one high school course.

This is necessary to support early college initiatives. High Schools can partner with both traditional and online community colleges to offer students the possibility of an associate's degree or up to 60 semester hours by the time they graduate from High School. Consideration should also be given to students who desire to enroll for a fifth year of high school in order to complete both their high school requirements and the requirements of an associate's degree.

### **IV. Nonpublic Part-Time Pupils and Home Schooled Pupils**

#### **Pupil Accounting: Section 5E – Nonpublic Part-Time Pupils & Home Schooled Pupils**

- o Allow students (in grades 1 – 12) who attend private, denominational, parochial schools or are home schooled to enroll on a part-time basis in essential core classes.
- o Eliminate the requirement that states that: a) instruction is by a certified teacher, (Note: allow an alternative certificate), b) must occur during the regularly scheduled school hours, and c) attendance must be taken. Change the role of the highly qualified teacher to the one who certifies proficiency, not the one who actually "instructs."
- o Eliminate the requirement that pupils who are home schooled must have their instruction during the regular school day.

These changes will provide students in private schools or who are home schooled the opportunity to take advantage of innovative, global fluency focused essential/core curriculum. Students will be able to access courses they otherwise would not have access to in their own high schools. This will also create

opportunities for more diversity with the make-up of students within the virtual/online classes and will provide prorated FTEs for schools or charge a reasonable tuition rate for each class.

## **V. Schools of Choice**

### **Pupil Accounting: Section 51 – Section 105 & 105c Schools of Choice Pupils**

- Eliminate the requirement that school of choice students must reside within the same or contiguous ISD. This idea is tied to the concept that learning is place bound.
- Provide students throughout Michigan the ability to take any Michigan districts' online courses which will allow students to participate in programs with students internationally, provide new opportunities for students who have limited opportunities, and allow students to participate in a 24/7 learning environment.

These proposals will: a) provide students statewide to take advantage of innovative, global fluency focused curricula b) enable students to access courses they otherwise would not have access to in their own high schools, and c) create opportunities for more diversity with the make-up of students within the virtual/online classes. This will prove to be cost effective for both the sending district and for the provider school/district.

## **VI. Age of Pupils**

- **Pupil Accounting Manual, Section 3, B3 Age of Pupils**
  - For virtual students, remove age limits to complete high school. These rules were based upon social contact issues which disappear when learning is virtual.

## **VII. Limited License to Instruct (General Model) (G)**

**Limited License to Instruct (General Model) (G): Alternative Certification of Teachers** – allow for temporary certification if the person has special skills or knowledge needed by the school in order to fill a teaching position for a specially created program such as pre-engineering courses, Mandarin Chinese, Anishinaabemowin, robotics, international teachers, etc. Examples include the following:

- o Allow students to take online and/or distance learning courses from teachers in other countries. Recognize courses of instruction from other countries.
- o Hiring an Engineer to teach a pre-engineering class or robotics class
- o Filling a Mandarin Chinese language position with a Chinese teacher from China
- o Hiring a biochemist to teach biochemistry
- o Hire a community college instructor or a university professor to teach a class within their area of expertise through an online course or on site.

Schools will be able to provide opportunities to learn from people within the industries, nationally or globally, to help make learning more authentic for ALL students.