Race to the Top Legislation Summary

After months of hearings and countless hours of negotiation, Michigan's Race to the Top (RT3) legislation has been passed by the Legislature. Arguably, this legislation is one of the more major reforms in education policy in recent memory and will result in changes in almost every district in the state. By passing this legislation, Michigan legislators hope to be in serious competition for the multi-billion dollar pool of money set aside for Secretary of Education Arne Duncan in the American Recovery and Reinvestment Act (ARRA – Stimulus Package).

The legislative package passed by the legislature on Saturday includes five bills; HB 4787, HB 4788, HB 5596, SB 926 and SB 981.

House Bill 4787 – Failing School Reform

HB 4787 is the bill that has been detailed for several months that would help identify perennially failing schools and allow for a method to turn around these buildings. In addition to the reform component, HB 4787 allows for earlier modification to the Michigan Merit Curriculum (MMC), a broader personal curriculum (PC) and it alters the drop out age from 16 to 18.

Reform Failing Schools

HB 4787 requires that the state superintendent publish a list annually of the lowest achieving 5 percent of all public schools. Currently, the definition of failure is a bit unknown as the legislation yields to a yet-to-be-determined federal and state definition of failure. The legislation requires that as soon as the federal definition is determined, the Michigan Department of Education (MDE) use that definition to craft Michigan's failure threshold and publish said definition.

Once a building is identified as being in the lowest 5 percent, the state superintendent must issue an order placing those buildings under the supervision of the (newly created) state school reform and redesign officer (RRO). Within 90 days of receiving this order, the school board must submit a redesign plan to the RRO. This plan must implement one of four intervention models provided for under the American Recovery and Reinvestment Act. The four models provided for in ARRA are turnaround, restart, closure and transformation.

Within an additional 30 days, the RRO must approve or alter the redesign plan that the school board submits. If the RRO approves the plan, the board must implement the plan for that building(s) at the beginning of the next school year. If the RRO changes the plan, the school board then has 30 more days to resubmit the plan. It's in this period of time that the board must work with administration and the local collective bargaining units to come to consensus on the redesign plan.

As a component of the plan submitted to the RRO, a local board must include an addendum to the collective bargaining agreement. This addendum should include an alteration to any seniority system in place in the building designated as failing. Additionally, the work rules must be suspended to allow for longer school days or years in the event that those methods are determined to be necessary for success. The buildings would be placed under site-based management giving the authority over staffing and expenditures to the building administrator.

If the RRO denies a plan or determines that a previously approved plan isn't working adequately, the school may be placed into the newly formed State School Reform and Redesign District. The RRO would then have the authority to impose one of the four models of intervention on that building. The RRO will impose the intervention model at the beginning of the next school year and

may impose modifications to the collective bargaining agreement. Essentially, the state reform and redesign district is a mechanism for takeover of the local building after the local board has been given time to correct the failures of that building but hasn't been successful. The RRO may also appoint a chief executive officer (CEO) to administer a school or several school buildings at once. The CEO would have similar powers to those of the RRO, but would be required to report to the RRO on a recurring basis.

Under a restart or turnaround model, the RRO or CEO may contract with an educational management company to run a school. It's important to note that under these models, the collective bargaining agreement wouldn't apply. A school could return to the control of its board of education when the RRO determined that significant improvement in student achievement has been made.

This of course is a very brief summary of what COULD happen under the new reform legislation. As the process becomes more clearly defined from the federal government and MDE, details will be passed along. Overall, this piece of the RT3 legislation should be considered a win in the effort to reform failing schools. Legislators recognize that there are impediments to meaningful reform in current laws and have put together legislation that will allow some ability for local school boards to implement changes. Giving a school district the first swing at reform is a vote of confidence in Michigan's model of local control and is a great responsibility for boards, administrators and teachers across the state.

Michigan Merit Curriculum Modifications

In addition to the reform component, HB 4787 includes a few modifications to the Michigan Merit Curriculum (MMC). The legislation allows a teacher, a counselor or a principal to contact parents to begin the personal curriculum process. Under current law, only the parent may initiate the process. Given that the teachers and administrators are involved very closely with the education of the student, it seems appropriate that they also have the opportunity to present the path of a personal curriculum.

The big piece of modification comes in the math requirement. The legislation would allow modification of the math requirement after the student has completed 1.5 credits in mathematics. Current law requires successful completion of 2.5 credits. This would allow a student struggling in math the opportunity to modify his/her curriculum to allow more flexibility.

Drop Out Age

Another part of the package is the modification of Michigan's compulsory attendance law. Currently, there is no requirement that a student stay in school beyond his/her 16th birthday. The legislation modifies this requirement and states that students in the sixth grade this year will be subject to a new requirement. These students may not drop out of school until their 18th birthday. The law still allows the same exemptions for home schooled students, private school students and students who complete the graduation requirements before turning 18. Additionally, parents would be given the option of submitting a waiver to allow the student to drop out at 16.

MASB has had a position of support for this initiative since 1994.

House Bill 4788 – Public Employment Relations Act (PERA)

Because HB 4787 has so many implications with collective bargaining agreements, it was necessary to alter the PERA law to give the appropriate authority to the state RRO and individual CEOs. This legislation allows for these exemptions.

Additionally, HB 4788 requires that a school district receive a bid for non-instructional support staff service from the current collective bargaining unit before privatizing that service. Essentially, this ensures that the union be given the opportunity to bid on the services being considered for privatization. This doesn't require that the school district accept the bid above others. It should also be noted that many, if not most, school districts already practice this procedure in some fashion.

Senate Bill 926 – Teacher Data System/Basic Instruction Supplies

CEPI Data System

SB 926 requires the Center for Educational Performance and Information (CEPI) to work with the Michigan Department of Education (MDE) to create and implement a teacher identification system with the ability to match an individual teacher to the individual pupils that teacher has taught.

This data system must link pupil records for state assessments to teachers. The system must also enable pupil academic achievement data, including growth in academic achievement, to be correlated to each teacher who has taught the pupil. Additionally, the legislation requires that school board members, teachers and school administrators have access to the data.

Basic Instructional Supplies

The legislation also requires that teachers and principals have access to basic instructional supplies (the definition of basic instructional supplies will be published by MDE via the Web).

MDE must also develop a Web site and phone line for teachers and principals to file a claim that he/she hasn't been provided basic instructional supplies by the school district or ISD. MDE must contact the district or ISD in which the claim was filed and the ISD or LEA has three business days to respond to the notification from MDE. The district or ISD must supply the teacher with the supplies or provide a written plan for corrective action. If MDE isn't satisfied with the plan or response, the department may elect to take corrective action.

House Bill 5596 – Alternative Teacher Certification

HB 5596 requires the state superintendent to develop rules, guidelines and a procedure for pathways to alternative certification of teachers. The process must align with requirements from NCLB. It's important to note that no district will be required to hire alternatively certified teachers and no district will be required to hire a traditionally certified teacher over a teacher certified through alternative pathways.

Senate Bill 981 – Schools of Excellence

SB 981 provides for schools of excellence, cyber schools, administrator certification, teacher/administrator evaluations, merit pay, modification to algebra II requirements, charter school provisions and modifications to tenure.

Schools of Excellence

SB 981 creates a new section of charters, 6E (Schools of Excellence). A school of excellence may be authorized by the traditional authorizers of charter schools: ISDs, LEAs, universities or community colleges. The legislation allows for the authorization of 10 new schools of excellence.

Of the 10 new schools of excellence, five must include grades 9-12 and two must be cyber schools with statewide K-12 enrollment. Additionally, these schools of excellence must be located in a

district with a graduation rate of 75 percent or less. It's unclear whether or not the newly authorized schools of excellence have any further requirements.

There's a stipulation that also allows traditional charters to convert to a school of excellence by board resolution. In order to convert a charter offering grades K-8, it must demonstrate a three-year proficiency average in math and reading for 90 percent or more of enrolled pupils or a 70 percent proficiency rate with a 50 percent or higher free and reduced lunch population. A high school wishing to convert to a school of excellence must demonstrate a three-year average of 80 percent graduation rate, 80 percent daily attendance and 80 percent post secondary enrollment.

Schools of excellence must work toward offering grades 9-12 or enter into a matriculation agreement with other PSAs or public schools to offer priority enrollment for pupils.

Cyber Schools

Under SB 981 a total of two cyber schools may be authorized. These schools would offer grades K-12 to students statewide and can be authorized by ISDs, LEAs, universities and community colleges. Each cyber school could enroll no more than 400 pupils in the first year of operation and would be granted the ability to enroll one additional pupil for every dropout enrolled in the cyber school. The eventual cap on enrollment for each cyber school would be 1,000 pupils statewide.

Administrator Certification

SB 981 requires that anyone hired to serve as an instructional school administrator after the effective date of the legislation shall not continue with his or her employment without beginning a certification program for administrators. The certificates will be valid for five years and will be subject to renewal. The legislation recognizes alternative pathways to certification and grandfathers in current serving administrators.

Teacher and Administrator Evaluation

Boards of education are tasked with working with teachers and administrators in developing a system to evaluate student academic growth using local assessments and statewide tests. All teachers and administrators must be reviewed annually and given timely feedback. A significant portion of the annual reviews must be based on student data.

The legislation also requires that districts use data to: evaluate the effectiveness of teachers and school administrators, determine eligibility for promotion or retention, grant tenure and use during dismissal to help determine the effectiveness of teachers.

Merit Pay

Under SB 981 districts and PSAs are required to pay teachers based in part on job performance and job accomplishments. Part of measuring these accomplishments will be significantly based on student growth data.

Algebra II

The legislation also clarifies that a mathematics intensive career and technical education (CTE) program may be used to grant credit for the algebra II component of the MMC. Additionally it allows a student to graduate with 1.5 credits in algebra II if taken over three semesters.