

Lame Duck Legislative Update

This is a special issue of the MEA Legislative update for the 2008 “Lame Duck” session of the Legislature. It focuses on the educational issues that may be in play during the last few days of the session. Please feel free to use any or all of this report in discussing issues with your membership or with public officials. If you have questions contact the MEA Field Based Lobbyist for your area. For previous issues of this Legislative Update go to <http://www.mea.org/gov/legislativeupdates.html>.

The Legislature has returned for a short session that will end either December 12 or December 18.. We anticipate an effort to make a deal to trade the First Class Status for Detroit for the School Re-Structuring, Charter School Expansion or the Neighborhood Voucher Schools. Also in the mix could be a trade off of the Promise Zone act for one or more of these provisions. The lobbyists request that you communicate with your Senator, Representative and the Governor urging them to oppose any of these possible trades.

To find how to contact these officials, go to www.mea.org. Click on the “For Members” tab, click the “Legislative and Political Information” side-bar, and finally click the “Cyber Lobbying System” side-bar.

SCHOOL RE-STRUCTURING. On November 19th, Rep. Tim **Melton** (D-Pontiac) introduced HB 6705 dealing with school restructuring. The changes it proposes to the School Code would apply to school buildings that are not accredited for four years or that do not make AYP in both reading and math for at least four years. At the end of four years, the local board of education MAY enter a contract with an outside organization to administer the school. If the local board does not do so, after five years not making AYP, the State Superintendent of Public Instruction shall enter a contract with such an organization to administer the school for five years. The State Superintendent would have to develop a list of approved organizations based upon criteria that show a track record of managing schools in a manner that improves student achievement.

The MEA is opposed to the bill as it stands. It is unclear whether the bill would result in elimination of the entire staff of such a building, but some could argue that it does. Under such arguments, the bargaining rights of employees could be jeopardized, the tenure rights of teachers could be under attack, and the entire staff could be displaced. There is also a concern that the outside contractor controls all of the state aid for the students in the building except for 3% that can be retained by the district for administrative charges. The effect could be to leave insufficient funds for the remainder of the district to fund needed programs and staff. In addition, the criteria used by the State Superintendent to approve the outside organizations would put a premium on those who have already done it, thereby excluding many qualified groups with the ability but no track record.

The Senate has passed SB 1013, an amendment to the school code dealing with re-structuring of schools that “fail”. Current law provides that a school that is not accredited for three consecutive years may be turned over to an outside specialist, it may be closed, it may be aligned with a research based improvement model, or its parents may enroll their children in any other school in the district at public expense. SB 1013 adds failure to make AYP for three years as a reason for these consequences to kick in.

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FIRST CLASS DISTRICT STATUS FOR DETROIT. The School code defines a first class district as one with more than 100,000 student enrollment. Currently that is Detroit and no other district. Detroit has been losing 10-12 percent of its student population for several years, and the preliminary “fourth Friday count” was just above 89,000 students. District officials have said they expect the final count for 2008-09 to be approximately 96,000 students, well below the 100,000 threshold to remain a first class district. Detroit legislators are seeking ways to change the definition so that Detroit keeps the first class designation. The biggest reason for them to do so is that community colleges cannot authorize charter schools in a first class district. In other words, Detroit is immune from the glut of charter schools authorized by Bay Mills C.C. in recent years. *On December 3rd the House passed HB 5765 which changes the definition of a First Class District to one with 60,000 students, thus protecting the status of the Detroit Public School. The bill was sent to the Senate for adoption.*

CHARTER SCHOOL EXPANSION. In September, Senate Republicans amended SB 1252 to make it easier for charter schools to expand into different grade levels without opening their enrollment to all students. That would make “cherry picking” students even easier for charter schools. The bill originally dealt with school districts sharing criminal background checks on bus drivers, but the floor amendments turned its purpose upside down. The bill passed the Senate on September 24, 2008 and now goes to the House of Representatives where its future is unknown. As of today, MEA strongly opposes the bill in its current form.

On December 3, the Senate Education Committee added this same provision to HB 5375, the Promise Zone act and reported the bill to the full Senate for action. Specifically, the bill removes the sunset provision from PA 1 of 2008, thus allowing that law to continue indefinitely (see below).

NEIGHBORHOOD VOUCHER SCHOOLS. One of the possible attacks on public education that could occur in the Lame Duck session is a trade off of the so called Neighborhood (voucher) Schools concept for a change in the School Code to protect the status of Detroit as a first class school district (see below). In a clever bit of wordsmithing, opponents of public education are now stealing the name “Neighborhood Schools”, a name traditionally associated with the best of public education, as a means of allowing all comers to create a publicly funded school, what some are calling neighborhood voucher schools. There are no specific bills pending, but the concepts being circulated in Lansing are a system whereby any person or group of people could create a school and receive funding from the state. These ideas seem to suggest that no public body would need to authorize these schools and that there would be even less oversight and control than currently exists for charter schools.

HB 5375 the MICHIGAN PROMISE ZONE ACT, a priority of Governor Granholm and the House Democrats. This bill creates a new law to provide assistance with the cost of higher education for low income students. The bill would allow any local district, ISD, city, township, in which the number of children at or below the federal poverty level exceeds the average in the state, to create a “Promise Zone Authority”. This authority would be allowed to provide financial assistance to students from within the authority for the cost of higher education. The authority would be financed by donations and by capturing one-half of the growth in the State Education Tax revenue within the authority

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The bill passed the House on December 13, 2007 *Last week the Senate Education Committee adopted the charter school expansion language into this bill and reported it to the full Senate for action. In addition to our concerns about charter school expansion that are now in the bill, the MEA has concerns related to the fact that this is yet another hit to the school aid fund for something that is not a K-12 expenditure.*

RETIREMENT. SB 1450 been reported out by the Senate Education Committee to the full Senate. It removes community college employee from the Michigan Public School Employees Retirement System (MPERS). MEA opposes the beill. It would de-stabilize the system by taking more employees out and thereby increase the cost to the remaining employers, a cost that comes out of the general operating budgets. It would also place future retirment benefits in jeopardy by virtue of the fact that funding has be de-stabilized. Urge your member of the Michigan Senate to vote "NO" when the bill is taken up. This may occur during the week of December 1st.

HB 4533 OUTSOURCING/PRIVATIZATION would remove the prohibition against bargaining over outsourcing or the impact of outsourcing that is currently contained in PERA. The bill passed the House in May, 2007 and was referred to the Senate Education Committee. The MEA supports this bill and we continue to seek ways to move the bill through the Senate and onto final passage.