



January 4, 2010

Dear Governor Granholm and President Straus:

As we have shared with you both on many occasions, MEA and AFT-Michigan sincerely want Michigan's application for Race to the Top to be successful. However, in order for us to support our state's efforts, several issues need to be taken care of very quickly.

Under the arbitrary January 7 deadline set by the Michigan Department of Education, only three days remain until Memoranda of Understanding (MOUs) are due, which will bind local school districts and their employees to the state's Race to the Top plan.

As of this morning, the state still has not issued its final plan.

Forcing school districts and their employees to either forego needed funds or contractually agree to unknown obligations is simply unconscionable. Signing what is essentially a blank contract on a leap of faith is not good for schools, their employees or their students.

Last week, MEA sought an extension for filing the MOUs both to allow the state to finalize its plan and to give school districts and their employees an opportunity to consider the plan. Though the state application for Race to the Top funds is not due at the U.S. Department of Education until the close of business on January 19, the request for an extension was denied.

We call upon you both to grant an extension of this timeline.

After reviewing the most recent Race to the Top draft plan available on the Michigan Department of Education website, it is obvious that much work needs to be done on Michigan's final state plan. The draft plan far exceeds the scope of recent legislation passed to support Michigan's Race to the Top application and appears to be nothing less than a quest for additional power by the Superintendent of Public Instruction. Many elements of the draft plan are unnecessary to support a viable application for Race to the Top funds, exceed the authority delegated to the Superintendent of Public Instruction, and attempt to place in the hands of the state important educational decisions much better addressed at the local level.

The draft state plan provides for the creation and implementation of a three-tier teacher certification and licensure system – something that is not required by RTTT nor authorized by recent legislative

actions. In fact, there is currently a committee established by the Michigan Department of Education to look at the feasibility and advisability of a three-tier teacher certification process. There are many problems with the current proposal for a three-tier certification system that need to be fully reviewed and addressed by the existing committee prior to any final decisions.

The draft state plan also oversteps its authority by calling for the Michigan Department of Education to develop a formula for determining student growth in language arts and math and to provide guidance in determining student growth in other areas. While recent legislation specifically addresses the use of student growth data for both performance evaluations and compensation of teachers and building principals at the local level, it *does not* grant to either the Department of Education or the Superintendent of Public Instruction the authority to dictate how that growth is to be taken into account locally. While the Legislature could have delegated the authority for developing a formula for student growth to the state, its failure to do so indicates a desire that this be done at the local level. This provision of the draft state plan is simply an attempt to take authority away from local school districts and their employees and give it to the Superintendent of Public Instruction.

The draft state plan would also grant to the Michigan Department of Education the authority to develop statewide guidelines for differentiated compensation that would redefine the compensation schedule so that it is not aligned with earning a master's degree or obtaining additional course credits. Local school boards and their employees have negotiated salary schedules that have recognized additional educational achievement for many years. The Legislature retained the existing right to negotiate compensation schedules that recognize additional educational attainment. The draft state plan is being used as a vehicle to take that authority away from school boards and their employees without any critical debate as to the reasonableness of doing so.

We strenuously object not only to the inclusion of these unnecessary components in the state plan but also to the fact that they have not been clearly communicated to local school districts. By signing an MOU, local school districts and their unions may well be binding themselves to these unnecessary and controversial proposals without their knowledge. Perhaps this is why a final state plan has not yet been issued – so that even more authority may be taken from the local level and given to the Superintendent of Public Instruction. This underscores again the need for an extension to the Jan. 7 MOU deadline to ensure that districts and their employees know what they are signing.

We also have an overriding objection to the form of the MOU. Guidance from the U.S. Department of Education is clear that the state is free to create its own MOU and is not required to utilize any particular form. Guidance issued by the U.S. Department of Education on December 24, 2009, specifically authorizes a state to draft its MOU in a way that reflects a local school district's conditional commitment to implement specific reform activities pending necessary modifications to its collective bargaining agreements over the course of the grant. See [Race to the Top Guidance and Frequently Asked Questions](#), pages 28-29 (December 24, 2009).

As you know, many aspects of the draft state plan impact issues that are subject to collective bargaining. It is essential that local school districts and their bargaining representatives have an opportunity to resolve these issues at the collective bargaining table. Now that the U.S. Department of Education has made clear that conditional commitments to implement specific reform activities pending collective bargaining is acceptable in a MOU, it is essential that such language be included in every MOU for school districts with collective bargaining representatives. Without that language, districts and their employees will not be able to determine how best to implement the state plan at the local level.

In summary, it is essential that an extension of time for the filing of MOUs be granted; that major changes are made to the state plan to remove unnecessary and unauthorized components; and that the MOU form distributed by the Superintendent of Public Instruction to local school districts include language consistent with collective bargaining rights of school employees.

Absent these actions, we will have no choice but to recommend that our local affiliates not to sign the MOUs.

We note that even the law firm that represents a majority of school boards in this state, the Thrun firm, is unable to recommend to its school board clients that they sign the MOU. Moreover, that firm suggests that those boards that choose to sign should include language acknowledging the board's right to withdraw from RTTT at a later time. Thus, the concerns with the draft plan and MOUs are not limited to representatives of employees.

If you have any questions regarding these matters, please feel free to contact us. With the obvious time constraints we face in the Race to the Top competition, we look forward to discussing how to resolve these concerns as soon as possible.

Very truly yours,



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President, Michigan Education Association

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cc: Mike Flanagan, State Superintendent of Public Instruction
News media