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SCHOOL CODE: GOVERNOR'S PLAN

House Bill 5121
Sponsor: Rep. William R. Bryant, Jr.
Committee: Education

Complete to 10-21-93

A SUMMARY OF HOUSE BILL 5121 AS INTRODUCED 10-13-93

The bill would amend the School Code in a variety of ways, including among other things, to:

** Allow a Michigan school-age child to attend any public school in the state and prohibit a school board from preventing a child from attending school outside the district.

** Permit a school district to determine whether and to what extent to allow children from other districts to attend its schools.

** Expand the authority of public schools to hire full-time and part-time noncertificated, nonendorsed teachers in grades 9-12, and to allow the issuing of provisional teaching certificates to individuals who meet certain specified requirements.

** Require the appointment by September of 1994 of an educational advisory board for each public school and the establishment by the beginning of the 1997-98 school year of a school building governing committee, with substantial decision-making and policy-making powers, for each public school.

** Allow the summary accreditation of public schools by the state without a full building-level evaluation if certain standards were met. Certain other schools could be placed on interim accreditation status and be subject to a building-level evaluation. The Department of Education would be required to review and evaluate annually the performance of schools that were unaccredited, and schools that remained unaccredited for three consecutive years would, as now, be subject to certain state actions.

** Establish educational warranty certificates that would be issued to individuals who had received nonendorsed high school diplomas that would require the graduating district to provide, or pay for, necessary remedial instruction under certain circumstances.

** Specify which school districts could levy school operating taxes, and exclude certain taxes from being considered school operating taxes.

School Choice. A school-age child residing in Michigan would be permitted to attend any public school in the state offering the appropriate grade level for the child. The board of a school district could not interfere with the right of a school-age child in its territory to attend school outside the school district boundaries or to change his or her school of enrollment during the school year.

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A school board, by annual resolution, could decide not to enroll school-age children not residing in the school district in all or certain specified schools or grades. If a school board adopted such a resolution, then it could not enroll any out-of-district children in a school specified in the resolution. If a district was willing to enroll out-of-district children, it would have to provide an open enrollment opportunity for them in each school or grade not covered by a resolution. The maximum number of nonresident children to be enrolled in a particular school or grade would be determined by the school board. If the number seeking enrollment exceeded the spaces available, children would have to be selected on a random basis. Priority could be given, however, to a sibling of an enrolled student. Neither the enrolling district nor the home district of an enrolling student would be required to provide transportation, but either could and could use school district operating funds for the purpose. A district providing open enrollment that was not in compliance with the provisions of Public Act 25 of 1990 (e.g., school improvement planning, core curriculum, and accreditation requirements) would have to notify parents and legal guardians of nonresident children. The term "school-age child" would refer to a child at least six years of age on December 1 of the particular school year and not older than 18 as of the first day of the school year, or for a special education student, not older than 26. For purposes of enrolling in kindergarten, a child at least five years of age by December 1 would be a school-age child.

Before deciding whether or not to enroll non-resident children, a school board would have to consider whether the decision would result in unlawful discrimination under state or federal civil rights law. Additionally, if a district was subject to a court-ordered desegregation plan, the district would have to seek court approval for participation in open enrollment and its participation would be subject to court approval.

Teacher hiring and provisional certification. The School Code currently permits school boards to engage full-time or part-time noncertificated, nonendorsed teachers to teach computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any combination of those subjects, in grades 9-12. The bill would eliminate the list of subjects, allowing the hiring for any subjects in those grades (and would include a charter public school in the provision). The person would be qualified to teach if he or she met the existing requirements: an earned bachelor's degree from an accredited postsecondary school; a major or graduate degree in the field of specialization; except for foreign language instruction, five (up from the current two) years of occupational experience in the specialization; and, if the teacher desired to teach for more than one year, passage of both a basic skills examination and a subject area examination, if one existed for the specialization. As now, these requirements would be in addition to any other requirements established by the employing local or intermediate school board or public charter school governing body. Provisions that prohibit the hiring of a noncertificated, nonendorsed teacher if a certificated, endorsed teacher was available would be deleted. Also deleted would be the current conditions placed on the continued employment of noncertificated, nonendorsed teachers.

The state board of education would have to issue a provisional teaching certificate to a person who met the abovementioned requirements and who had taught in a school

district, intermediate school district, or charter public school for at least one full year and who had passed the required basic skills and subject area examinations.

Educational Advisory Board. No later than September 1, 1994, the board of each school district would have to appoint an educational advisory board in each public school in the school district. The advisory board would consist of 5 to 11 members, including parents and guardians, administrators, and teachers, and would be chaired by the principal. Those already involved in the school improvement plan and improvement process could serve as the advisory board. A majority of the board would have to be parents/legal guardians.

The board would set educational goals for the school, participate in the school improvement process and plan, and ensure that information about school programs and educational outcomes was available to the community. The Department of Education would notify the advisory committee of the total value of student education account withdrawals for a school year for instruction at the school, as determined under the Student Education Account Act (to be created by House Bill 5126).

School Building Governing Committee. Not later than the beginning of the 1997-98 school year, the board of each school district would ensure that a school building governing committee was established in each public school. The committee would consist of the following 7 to 11 members, of whom a majority would be parents or legal guardians of pupils enrolled in the school: the principal; 4 to 6 parents or legal guardians, elected by majority vote of parents and guardians of pupils at the school at a meeting held for that purpose; at least 1 member of the local community who was not a parent or legal guardian of a child at the school or an employee of the district; and 1 to 3 teachers from the school, elected annually by the teachers.

The governing committee would have the authority to make decisions and establish policies (consistent with this act) regarding a budget for the school, expenditure of funds allocated to the school, approval of contracts with vendors, determining educational programs and services, recommending personnel, and other matters related to the functions of teaching and learning at the school. To the extent that the decisions and policies of the governing committee were consistent with the School Code, they would not be subject to review by a local school board. The selection, approval, and purchase of textbooks by a school board would be subject to the advice and consent of a school governing committee.

The principal of the school would be the chief executive officer of the school. He or she would make recommendations to the governing committee and execute the lawful decisions and policies of the governing committee and school board. (To obtain an initial building administrator's certificate or endorsement, or to renew a current one, a person would have to provide evidence that he or she had successfully completed postgraduate coursework or training in budgeting and financial management, curriculum, and personnel evaluation, as specified by state board of education rules.)

Summary Accreditation. The Department of Education would be required to develop and distribute to all public schools standards for determining that a school was eligible for

summary accreditation. The standards would have to include, but would not be limited to, assessment of the school's success in those items measured in the school report card and in meeting objectives established by the school in its school improvement plan. The standards would be developed, reviewed, approved, and distributed using the same process as exists currently for school accreditation standards, and would have to be finally distributed and implemented not later than December 31, 1994. The bill would also specify that if a district wanted all of its schools accredited it would have to comply with the annual education report, core curriculum, and school planning process requirements currently tied to "quality program" funding.

If a school met the summary accreditation standards, a school would be considered accredited without the need for a full building-level evaluation. The department would make this determination based on annual educational reports and other information submitted by a school and on the school report card issued for the school. If a school had not met the standards but was determined to be making progress, based either on written information or a building-level evaluation, it would be in interim status and could be subject to a subsequent building-level evaluation.

As now, the department would be required to annually review and evaluate for accreditation purposes the performance of each school that was unaccredited (and some schools in interim status). The same provisions would remain in the code for schools that remained unaccredited for three consecutive years: the appointment of an administrator by the superintendent of public instruction until the school became accredited; the right of a parent or guardian of children in the school to send the child to any accredited school in the district; or closing the school.

Educational Warranty Certificates. A school district would be required to carry out an assessment of an individual's proficiency in any basic skills area at the request of the individual's employer, if the individual had received a nonendorsed high school diploma from the district. If, based on the assessment, the employer determined the employee to be deficient in one or more areas, the employer and the individual could apply to the district for an educational warranty certificate entitling the employee to receive remedial instruction. The district would then issue one and notify the Department of Education. The state would make the proficiency instruments available to districts. The state board of education could exempt special education students from these provisions, in which case it would have to make available for those students an assessment and certification of their proficiency in various subjects and skills before completion of their education. The individualized educational planning committee for a special education student would cooperate in this task.

A person with a warranty certificate could present it to the district from which he or she graduated, the district in which he or she lived, or the district in which the employer was located, and receive the needed remedial instruction at no cost (but only as long as the person remained with the same employer). The graduating district would have to provide the instruction immediately, any other district based on available space and resources. The graduating district would have to reimburse another district that provided the remedial instruction, with the amount to be computed in a manner prescribed by the state board of education.

Beginning in 1995, the Department of Education would have to annually compile and report to the legislature on educational warranty certificate activity. The report would have to include at least a listing by school district of the number of people receiving certificates and the number of people receiving remedial instruction, and a recommendation on whether to continue the program.

School Operating Taxes. Under the bill, a school district that had combined state and local revenue per membership pupil of more than \$6,500 for the school fiscal year ending in 1994 could levy previously authorized property taxes for school operating purposes. The rate would be limited to that required for the district's 1995 revenue to equal 101 percent of 1994 revenue (a 1 percent increase). All or part of the millage could be renewed with the approval of the voters. However, if the percentage increase in revenues from one year to the next exceeded the percentage increase in the consumer price index, the number of mills levied would have to be reduced to limit the revenue increase to the increase in the consumer price index. If a school district levied millage in excess of the limits, the amount of excess would be deducted from the next year's tax levy. If it levied below the limits, it could add mills at the next regular tax levy to make up the shortfall.

The bill would specify that certain taxes were not to be considered school operating taxes and so could continue to be levied. These include taxes levied for operating a community college; for the creation of a sinking fund for the purchase of real estate and construction and repair of school buildings; for eliminating an operating deficit; for operation of a library if the taxes were not included in operating millage reported by a school district to the Department of Education as of April 1, 1993; and for the payment by a first class school district (Detroit) to a public library commission. Further, an intermediate school district would be able to levy property taxes for special education purposes at a rate not to exceed the special education mills levied in 1993. (House Joint Resolution Z would constitutionally limit the levying of school operating taxes by local and intermediate school districts.)