

REPEAL OUTDATED PROVISIONS IN EDUCATION ACTS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5629

Sponsor: Rep. Aric Nesbitt

House Bill 5633

Sponsor: Rep. Lisa Posthumus Lyons

House Bill 5630

Sponsor: Rep. Ken Yonker

House Bill 5634

Sponsor: Rep. Amanda Price

House Bill 5631

Sponsor: Rep. Thomas B. Hooker

House Bill 5635

Sponsor: Rep. Kurt Heise

House Bill 5632

Sponsor: Rep. Margaret E. O'Brien

House Bill 5636

Sponsor: Rep. Deb Shaughnessy

Committee: Education

Complete to 6-6-12

A SUMMARY OF HOUSE BILLS 5629 - 5636 AS INTRODUCED 5-15-12

The bills would amend various education acts and the Revised School Code reportedly to repeal outdated portions of the law. A brief description of each bill follows.

House Bill 5629

The bill would amend the Revised School Code (MCL 180.1230d, 380.1525a, & 380.1539b) to eliminate outdated provisions concerning criminal background checks and convictions of school employees, in three sections of the code.

Now the law contains a section that expired in July 2008 to require the (former) Department of Information Technology to work with the Departments of Education and State Police, to compare the department's list of registered educational personnel with the conviction information received by the Department of State Police. The comparison was required during January and June of each year until July 1, 2008, and when comparisons were found, the State School Superintendent and the governing board of the school that employed the convicted person was notified. House Bill 5629 would repeal this outdated requirement.

House Bill 5630

The bill would amend the Revised School Code (MCL 380.1711 and 380.1751) to modify the purpose of special education programs, and repeal the requirement for an annual report by the State Board of Education concerning strict discipline academies.

Currently under the law, the board of a local school district is required to provide special education programs and services designed to develop the maximum potential of each student with a disability in its district, in accord with the intermediate school district

special education plan. House Bill 5630 would retain this provision, but require that the education programs and services be designed to "meet the individual needs" of each student (rather than to "develop the maximum potential" of each student).

House Bill 5630 would also repeal Section 1311c of the Revised School Code. That section of the code requires the State School Board to present an annual report about strict discipline academies to the House and Senate Education Committees.

House Bill 5631

The bill would amend Public Act 156 of 1966 (MCL 388.1051 to 388.1055), which provides for state scholarships for students in the field of special education to repeal these provisions.

House Bill 5632

The bill would amend Public Act 26 of 1982, which provides for emergency financial assistance for certain school districts and creates the emergency loan revolving fund, to repeal the act (MCL 388.811 to 388.829).

House Bill 5633

The bill would amend Public Act 205 of 1931 (MCL 388.372), an obsolete law concerning teaching of civics and political science, to repeal it. The act reads as follows:

In all county normal schools a course of 4 term hours shall be given in civics, and in all colleges receiving public money, courses of not less than 3 semester hours, or equivalent, shall be given in political science, or in government and public administration, covering the form and functions of our federal and state governments, and of counties, cities and villages. Throughout said course the rights and responsibilities of citizenship shall be stressed. No baccalaureate degree or diploma shall be granted after June 30, 1958, to any student of such normal school or college unless such student shall have successfully completed said courses.

House Bill 5634

The bill would repeal Public Act 299 of 1974 (MCL 388.1091 to 388.1094), entitled the Education for the Gifted and/or Academically Talented Act, which required the State Board of Education to appoint a 20-member Commission on the Education of the Gifted and/or Academically Talented. Section 3 of that act reads:

Sec. 3.

(1) The advisory commission on education of the gifted and/or academically talented is created in the department of education. The commission consists of 20 members of which not more than 1/2 shall represent the education profession. The members shall be appointed by the state board of education. The state superintendent of public instruction or his designated agent shall be a nonvoting, ex officio member and shall serve as chairman. The commission membership shall include a director appointed by the state board of education, representatives of labor, business, or industry, a noneducational state governmental agency, local and intermediate school board members and administrators, a community college district, a 4-year college or university, a neighborhood education authority, a school psychologist, a specialist in the psychology and education of the gifted and/or academically talented students, a parent, a teacher, a counselor, a high school student, and a post high school student.

(2) The director shall be employed full time as a staff member of the department of education and shall carry out all administrative and organizational functions of the commission as well as any other duties concerning the needs of the gifted and/or academically talented students. Other members of the commission

shall serve without compensation except for necessary and actual expenses incurred in the performance of their duties.

House Bill 5635

The bill would repeal Public Act 238 of 1964 (MCL 395.171 to 395.175), which authorizes local school districts to appropriate money for demonstration educational and work experience programs. Section 1 of that law reads:

Sec. 1.

The state of Michigan, the board of supervisors of any county, or the governing body of any city, village, township and school district of this state, may furnish and appropriate money to foster and maintain demonstration education and work experience programs through a special job upgrading program for unemployed, out of work, school dropouts who have been out of school at least 2 months and are between 16 and 20 years of age under plans approved by the superintendent of public instruction. This job upgrading program shall combine in-school training with subsidized work experience for school dropouts to make them more employable and to assist them in job placement.

House Bill 5636

The bill would amend the Revised School Code (MCL 380.1277) to eliminate the requirement that intermediate school districts prepare a report on the consolidation of services, and also the requirement that the State Board of Education prepare an annual report about school improvements plans.

Now the law requires the State Board of Education to annually review a random sampling of school improvement plans, and based on its review, submit a report on school improvement activities to the House and Senate committees having responsibility for education legislation. House Bill 5636 would eliminate this requirement.

The bill also would repeal Section 761 of the Revised School Code (MCL 380.761). That section of the code reads:

Sec. 761.

(1) Subject to subsection (3), each intermediate school district shall conduct a study concerning opportunities for its constituent districts to share services with other providers of similar services, such as the intermediate school district, 1 or more other school districts or intermediate school districts, other units of local government, or other programs designed to achieve cost savings. The board and other school officials of each constituent district shall cooperate with the intermediate school district in the study. Not later than 6 months after the effective date of this section, each intermediate school district shall submit a report on the results of its study to the department in the form and manner prescribed by the department. An intermediate school district's study and report shall address possibilities for sharing of at least all of the following non-instructional services:

- (a) Pupil transportation for all classes of pupils and all types of programs.
- (b) Human resources administration.
- (c) Procurement of supplies and other purchasing.
- (d) Technology support services, including, but not limited to, information technology.
- (e) Professional development.
- (f) Accounting and other financial services.
- (g) Legal services.
- (h) Food and child nutritional services.
- (i) Event management.
- (j) Production printing and graphics.
- (k) Shipping and receiving services.

- (l) Any other service described in section 627.
- (m) Any other non-instructional services identified by the superintendent of public instruction.
- (2) In addition to the requirements of subsection (1), an intermediate school district's report under this section shall include a detailed description of the average cost per constituent district within the intermediate school district for each of the services listed in subsection (1).
- (3) If an intermediate school district has already conducted a study that meets the requirements of subsection (1), the intermediate school district is not required to conduct another study but shall submit a report on the results of the study to the department as required under subsections (1) and (2).
- (4) Not later than 2 months after receiving the reports from intermediate school districts under this section, the department shall compile this information and submit a summary to the standing committees of the legislature having responsibility for education legislation.
- (5) There are sufficient funds allocated to intermediate school districts under section 81 of the state school aid act of 1979, MCL 388.1681, for the purposes of this section, and an intermediate school district shall use those funds to comply with the requirements of this section.

FISCAL IMPACT:

Generally speaking, the bills would have no state or local fiscal impact, as the bills repeal outdated laws whose provision have since expired or are no longer applicable. In other instances where the Department of Education was required to submit a report, the department generally complied with the reporting requirements within its existing financial and staffing resources.

As part of its Elementary and Secondary Education Act ("No Child Left Behind") flexibility waiver request, the Department of Education compiled a lengthy list of reports and other requirements it deemed to be unnecessary. The bills here include some provisions identified to repeal or modification by MDE. For a listing see, the Attachments 12.A and 12.B of the state's ESEA flexibility waiver:

http://www.michigan.gov/documents/mde/ESEA_Flexibility_Request_FINAL_377829_7.pdf.

Additionally, it should be noted that the FY 2012-13 budget bill for the Department of Education includes a provision that would impose a penalty of 1% of the state funds appropriated for administrative support for the State Board of Education and Superintendent of Public Instruction if reports required by statute or boilerplate are not submitted as required.

Legislative Analyst: J. Hunault
Fiscal Analyst: Bethany Wicksall
Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.