

SUBSTITUTE FOR  
HOUSE BILL NO. 4079

[A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1290; and to repeal acts  
and parts of acts.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 1290. (1) A SCHOOL DISTRICT MAY APPLY TO THE  
2 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR AN EDUCATION MANDATE  
3 ROLLBACK CONTRACT UNDER THIS SECTION FOR THE SCHOOL DISTRICT OR FOR  
4 1 OR MORE SCHOOLS OPERATED BY THE SCHOOL DISTRICT. AN EDUCATION  
5 MANDATE ROLLBACK CONTRACT ALLOWS THE SUPERINTENDENT OF PUBLIC  
6 INSTRUCTION TO WAIVE A PROVISION OF THIS ACT OR OF THE STATE SCHOOL  
7 AID ACT OF 1979, OR OF A RULE PROMULGATED UNDER THIS ACT OR THE  
8 STATE SCHOOL AID ACT OF 1979, DESIGNATED AS PART OF A PERFORMANCE-  
9 BASED CONTRACT WITH CLEARLY DEFINED AND MEASURABLE PERFORMANCE  
10 GOALS. A SCHOOL DISTRICT ALSO MAY APPLY TO THE SUPERINTENDENT OF  
11 PUBLIC INSTRUCTION FOR WAIVER OF CERTAIN FEDERAL REQUIREMENTS, IN

1 ACCORDANCE WITH FEDERAL LAW ALLOWING FEDERAL EDUCATION WAIVERS TO  
2 BE ISSUED BY THIS STATE.

3 (2) IF THE BOARD OF A SCHOOL DISTRICT INTENDS TO APPLY FOR AN  
4 EDUCATION MANDATE ROLLBACK CONTRACT, THE BOARD SHALL ESTABLISH AN  
5 EDUCATION MANDATE ROLLBACK PLANNING COMMITTEE TO WORK WITH THE  
6 BOARD TO DEVELOP THE RESOLUTION UNDER SUBSECTION (3) AND THE  
7 APPLICATION UNDER SUBSECTION (4). THIS COMMITTEE SHALL INCLUDE A  
8 REPRESENTATIVE OF EACH OF THE SCHOOL DISTRICT'S COLLECTIVE  
9 BARGAINING UNITS THAT WILL BE AFFECTED BY THE EDUCATION MANDATE  
10 ROLLBACK CONTRACT.

11 (3) BEFORE APPLYING FOR AN EDUCATION MANDATE ROLLBACK  
12 CONTRACT, THE BOARD OF A SCHOOL DISTRICT MUST ADOPT A RESOLUTION  
13 INDICATING THE BOARD'S INTENT TO APPLY FOR THE EDUCATION MANDATE  
14 ROLLBACK CONTRACT. IF THE CONTRACT IS NOT INTENDED TO COVER THE  
15 ENTIRE SCHOOL DISTRICT, THE RESOLUTION SHALL SPECIFY THE SCHOOLS TO  
16 BE COVERED. BEFORE ADOPTING THE RESOLUTION, THE BOARD SHALL HOLD AT  
17 LEAST 2 PUBLIC HEARINGS AT WHICH THE TYPES OF WAIVERS SOUGHT AND  
18 THE NEED FOR THE WAIVERS ARE EXPLAINED AND PUBLIC COMMENT IS  
19 ALLOWED.

20 (4) A SCHOOL DISTRICT SHALL SUBMIT AN APPLICATION FOR AN  
21 EDUCATION MANDATE ROLLBACK CONTRACT TO THE SUPERINTENDENT OF PUBLIC  
22 INSTRUCTION IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.  
23 THE APPLICATION SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

24 (A) A SPECIFIC LISTING OF THE STATUTES AND RULES PROPOSED TO  
25 BE WAIVED. IF THE APPLICATION IS INTENDED TO ALSO SERVE AS AN  
26 APPLICATION FOR FEDERAL WAIVERS UNDER FEDERAL LAW, THE APPLICATION  
27 ALSO SHALL INCLUDE A SPECIFIC LISTING OF THE FEDERAL STATUTES AND

1 REGULATIONS PROPOSED TO BE WAIVED.

2 (B) A STATEMENT SPECIFYING THE NEED FOR WAIVER FOR EACH  
3 STATUTE OR RULE PROPOSED TO BE WAIVED, INCLUDING THE PURPOSE AND  
4 INTENDED RESULTS FOR EACH WAIVER.

5 (C) A DESCRIPTION, FOR EACH SCHOOL YEAR AND FOR THE OVERALL  
6 TERM OF THE CONTRACT, OF THE SPECIFIC MEASURABLE GOALS FOR IMPROVED  
7 PUPIL PERFORMANCE IN THE SCHOOL DISTRICT OR SCHOOL. THESE GOALS  
8 SHALL INCLUDE, BUT ARE NOT LIMITED TO, GOALS FOR IMPROVING MEAP  
9 SCORES.

10 (D) A DESCRIPTION, FOR EACH SCHOOL YEAR AND FOR THE OVERALL  
11 TERM OF THE CONTRACT, OF THE MEASUREMENTS TO BE USED TO DETERMINE  
12 WHETHER THE PUPIL PERFORMANCE GOALS UNDER SUBDIVISION (C) HAVE BEEN  
13 MET.

14 (E) AN EXPLANATION OF HOW THE CONTRACT AND THE WAIVERS WILL  
15 ASSIST THE SCHOOL DISTRICT OR SCHOOL IN ACHIEVING ITS SPECIFIED  
16 PERFORMANCE GOALS.

17 (F) A FISCAL IMPACT STATEMENT THAT ESTIMATES HOW THE WAIVER OR  
18 WAIVERS MAY INCREASE OR REDUCE PROGRAM COSTS.

19 (G) IF THE CONTRACT IS NOT INTENDED TO COVER THE ENTIRE SCHOOL  
20 DISTRICT, THE SPECIFIC SCHOOLS TO BE COVERED.

21 (H) A COPY OF THE BOARD RESOLUTION REQUIRED UNDER SUBSECTION  
22 (3). IF THE APPLICATION IS INTENDED TO ALSO SERVE AS AN APPLICATION  
23 FOR FEDERAL WAIVERS UNDER FEDERAL LAW, THE APPLICATION ALSO SHALL  
24 INCLUDE AN EXPLANATION OF HOW THE PUBLIC NOTICE REQUIREMENTS OF  
25 FEDERAL LAW HAVE BEEN MET.

26 (5) WITHIN 60 DAYS AFTER RECEIVING AN APPLICATION UNDER  
27 SUBSECTION (4), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL

1 APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE SCHOOL  
2 DISTRICT OF THE DECISION. SUBJECT TO SUBSECTION (6), IF THE  
3 SUPERINTENDENT OF PUBLIC INSTRUCTION APPROVES THE APPLICATION, THE  
4 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROMPTLY ENTER INTO AN  
5 EDUCATION MANDATE ROLLBACK CONTRACT WITH THE SCHOOL DISTRICT. IF  
6 THE SUPERINTENDENT OF PUBLIC INSTRUCTION DISAPPROVES THE  
7 APPLICATION, THE NOTIFICATION TO THE SCHOOL DISTRICT SHALL INCLUDE  
8 NOTICE OF THE SPECIFIC REASONS FOR THE DISAPPROVAL, AND THE SCHOOL  
9 DISTRICT MAY SUBMIT A REVISED APPLICATION UNDER SUBSECTION (4).  
10 SUBJECT TO SUBSECTION (6), IF THE SUPERINTENDENT OF PUBLIC  
11 INSTRUCTION DOES NOT ACT ON AN APPLICATION AND NOTIFY THE SCHOOL  
12 DISTRICT OF HIS OR HER DECISION WITHIN THE TIME LIMIT REQUIRED  
13 UNDER THIS SUBSECTION, THE APPLICATION IS CONSIDERED APPROVED AND  
14 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROMPTLY ENTER INTO  
15 THE PROPOSED EDUCATION MANDATE ROLLBACK CONTRACT WITH THE SCHOOL  
16 DISTRICT.

17 (6) WITHIN 5 DAYS AFTER APPROVING AN APPLICATION FOR AN  
18 EDUCATION MANDATE ROLLBACK CONTRACT UNDER SUBSECTION (5) OR AFTER  
19 THE EXPIRATION OF THE TIME LIMIT IN SUBSECTION (5) FOR APPROVING OR  
20 DISAPPROVING AN APPLICATION, WHICHEVER IS EARLIER, THE  
21 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SUBMIT THE APPLICATION  
22 TO THE STATE BOARD. AT ITS NEXT BOARD MEETING OCCURRING AT LEAST 10  
23 DAYS AFTER IT RECEIVES THE APPLICATION, THE STATE BOARD MAY BY  
24 MAJORITY VOTE OVERRIDE THE APPROVAL OF THE APPLICATION, WHETHER IT  
25 IS APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR  
26 CONSIDERED APPROVED DUE TO THE EXPIRATION OF THE TIME LIMIT. IF THE  
27 STATE BOARD DOES NOT OVERRIDE THE APPROVAL AT THIS BOARD MEETING,

1 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROMPTLY ENTER INTO  
2 THE EDUCATION MANDATE ROLLBACK CONTRACT WITH THE SCHOOL DISTRICT.  
3 IF THE STATE BOARD OVERRIDES AN APPROVAL UNDER THIS SUBSECTION, THE  
4 STATE BOARD SHALL NOTIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
5 AND THE SCHOOL DISTRICT AND SHALL INCLUDE NOTICE OF THE SPECIFIC  
6 REASONS FOR THE OVERRIDE. THE SCHOOL DISTRICT MAY SUBMIT A REVISED  
7 APPLICATION UNDER SUBSECTION (4).

8 (7) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT APPROVE  
9 AN APPLICATION SUBMITTED UNDER SUBSECTION (4) UNLESS HE OR SHE  
10 FINDS ALL OF THE FOLLOWING:

11 (A) THAT THE PERFORMANCE GOALS CONTAINED IN THE APPLICATION  
12 ARE SUFFICIENTLY SPECIFIC AND WILL, IF MET, CONSTITUTE IMPROVED  
13 PUPIL ACHIEVEMENT.

14 (B) THAT THE EDUCATION MANDATE ROLLBACK CONTRACT WILL ALLOW  
15 THE SCHOOL DISTRICT TO ENHANCE LEARNING AND TO OPERATE IN A MORE  
16 EFFECTIVE, EFFICIENT, OR ECONOMICAL MANNER.

17 (C) THAT THE DISTRICT HAS EXHIBITED FINANCIAL RESPONSIBILITY  
18 DURING THE PRECEDING 3 FISCAL YEARS, AS DETERMINED BY THE  
19 SUPERINTENDENT OF PUBLIC INSTRUCTION. THIS DOES NOT PRECLUDE THE  
20 APPROVAL OF AN EDUCATION MANDATE ROLLBACK CONTRACT FOR A SCHOOL  
21 DISTRICT IN CURRENT FINANCIAL HARDSHIP, IF THE HARDSHIP IS NOT DUE  
22 TO FINANCIAL IRRESPONSIBILITY AS DETERMINED BY THE SUPERINTENDENT  
23 OF PUBLIC INSTRUCTION.

24 (D) THAT THE EDUCATION MANDATE ROLLBACK CONTRACT WILL NOT  
25 RESULT IN THE DIMINUTION OF WAGES, HOURS, OR OTHER TERMS AND  
26 CONDITIONS OF EMPLOYMENT FOR EMPLOYEES OR COLLECTIVE BARGAINING  
27 UNITS OF THE SCHOOL DISTRICT.

1           (8) IN APPROVING APPLICATIONS SUBMITTED UNDER SUBSECTION (4),  
2 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL GIVE PRIORITY TO  
3 APPLICATIONS THAT ARE FOCUSED ON REDUCING PUPIL ACHIEVEMENT GAPS  
4 BASED ON RACE, GENDER, AND SOCIOECONOMIC STATUS.

5           (9) THE DEPARTMENT SHALL PRESCRIBE THE FORM OF AN EDUCATION  
6 MANDATE ROLLBACK CONTRACT. THE EDUCATION MANDATE ROLLBACK CONTRACT  
7 SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

8           (A) ALL MATTERS ADDRESSED IN THE APPLICATION.

9           (B) ASSURANCE THAT THE SCHOOL DISTRICT WILL REPORT ITS ANNUAL  
10 PROGRESS TOWARD ITS PERFORMANCE GOALS.

11           (C) AN AGREEMENT THAT, IN ORDER FOR THE CONTRACT TO BE  
12 RENEWED, THE MEAP SCORES FOR THE SCHOOL DISTRICT OR SCHOOL MUST  
13 DEMONSTRATE ADEQUATE ANNUAL PROGRESS TOWARD MEETING THE PERFORMANCE  
14 GOALS AND MUST ATTAIN A SPECIFIC MEASURABLE BENCHMARK BY THE END OF  
15 THE CONTRACT.

16           (D) AN AGREEMENT ON THE CONTENTS OF THE EMPOWERMENT REPORT TO  
17 BE FILED BY THE SCHOOL DISTRICT AT THE END OF THE CONTRACT TERM.  
18 THE EMPOWERMENT REPORT SHALL SUMMARIZE THE PERFORMANCE GOALS  
19 ACHIEVED DURING THE TERM OF THE CONTRACT AND THE PROGRAMS,  
20 CURRICULUM, OR OTHER INNOVATIVE APPROACHES USED TO ACHIEVE THESE  
21 GOALS.

22           (E) THE TERM OF THE CONTRACT, WHICH SHALL NOT EXCEED 5 YEARS.

23           (10) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY TERMINATE AN  
24 EDUCATION MANDATE ROLLBACK CONTRACT FOR A SCHOOL BEFORE THE END OF  
25 ITS TERM IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES  
26 THAT THE SCHOOL HAS EXPERIENCED 2 CONSECUTIVE YEARS OF DECLINING  
27 PUPIL PERFORMANCE, BASED ON THE PERFORMANCE GOALS AND MEASUREMENTS

1 SPECIFIED IN THE CONTRACT, OR THAT THE SCHOOL HAS FAILED FOR 2  
2 CONSECUTIVE YEARS TO MEET THE ADEQUATE YEARLY PROGRESS STANDARDS OF  
3 THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, IN BOTH  
4 MATHEMATICS AND ENGLISH LANGUAGE ARTS AT ALL APPLICABLE GRADE  
5 LEVELS FOR ALL APPLICABLE SUBGROUPS. THE SUPERINTENDENT OF PUBLIC  
6 INSTRUCTION IS NOT REQUIRED TO TERMINATE AN EDUCATION MANDATE  
7 ROLLBACK CONTRACT IF HE OR SHE DETERMINES THAT THE DECLINE OR  
8 FAILURE IS DUE TO EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.

9 (11) AT THE CONCLUSION OF THE TERM OF AN EDUCATION MANDATE  
10 ROLLBACK CONTRACT, THE SCHOOL DISTRICT SHALL SUBMIT ITS EMPOWERMENT  
11 REPORT DESCRIBING HOW THE SCHOOL DISTRICT OR SCHOOL MET OR DID NOT  
12 MEET THE PERFORMANCE GOALS SET FORTH IN THE CONTRACT. THE  
13 SUPERINTENDENT OF PUBLIC INSTRUCTION MAY RENEW THE EDUCATION  
14 MANDATE ROLLBACK CONTRACT IF THE PERFORMANCE GOALS HAVE BEEN MET.

15 (12) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY NOT WAIVE  
16 ANY OF THE FOLLOWING AS PART OF AN EDUCATION MANDATE ROLLBACK  
17 CONTRACT:

18 (A) HEALTH AND SAFETY REQUIREMENTS.

19 (B) STATUTORY TEACHER CERTIFICATION REQUIREMENTS.

20 (C) ANY PROVISION UNDER SECTION 1312.

21 (D) A REQUIREMENT UNDER PART 6A, EXCEPT WAIVER OF SECTION  
22 503(6) TO THE EXTENT NECESSARY TO ALLOW WAIVER OF ANOTHER  
23 REQUIREMENT THAT MEETS BOTH OF THE FOLLOWING:

24 (i) IS IMPOSED UNDER A PART OF THIS ACT OTHER THAN PART 6A.

25 (ii) IS A REQUIREMENT THAT MAY BE WAIVED UNDER THIS SECTION FOR  
26 A SCHOOL DISTRICT THAT IS NOT A PUBLIC SCHOOL ACADEMY.

27 (13) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SUBMIT AN

House Bill No. 4079 (H-2) as amended June 1, 2005

1 ANNUAL REPORT TO THE LEGISLATURE ON THE STATUS OF THE EDUCATION  
2 MANDATE ROLLBACK PROGRAM UNDER THIS SECTION, INCLUDING A REPORT ON  
3 EDUCATION MANDATE ROLLBACK CONTRACTS ISSUED DURING THE YEAR, AND ON  
4 PROGRESS MADE TOWARD ATTAINMENT OF PERFORMANCE GOALS.

5 (14) AS THE INITIAL EDUCATION MANDATE ROLLBACK CONTRACTS  
6 ISSUED UNDER THIS SECTION EXPIRE, THE DEPARTMENT SHALL POST  
7 INFORMATION ON ITS WEBSITE ON THE EDUCATIONAL INNOVATIONS AND BEST  
8 PRACTICES USED TO ACHIEVE PUPIL PERFORMANCE GOALS UNDER THE  
9 CONTRACTS.

10 (15) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (12), ANY  
11 PROVISION OF THIS ACT OR THE STATE SCHOOL AID ACT OF 1979, OR OF  
12 ANY RULE PROMULGATED UNDER THIS ACT OR THE STATE SCHOOL AID ACT OF  
13 1979, IS SUBJECT TO WAIVER UNDER AN EDUCATION MANDATE ROLLBACK  
14 CONTRACT.

15 (16) AS USED IN THIS SECTION:

16 (A) "EMPOWERMENT REPORT" MEANS THE FINAL EVALUATION REPORT  
17 REQUIRED TO BE FILED AT THE END OF THE TERM OF AN EDUCATION MANDATE  
18 ROLLBACK CONTRACT UNDER SUBSECTION (11).

19 (B) "MEAP SCORES" MEANS THE SCORES ACHIEVED BY THE PUPILS OF A  
20 SCHOOL DISTRICT OR SCHOOL, AS APPLICABLE, ON ALL MICHIGAN  
21 EDUCATIONAL ASSESSMENT PROGRAM TESTS OR OTHER STATE ASSESSMENTS  
22 ADMINISTERED TO PUPILS OF THE SCHOOL DISTRICT OR SCHOOL.

23 (C) "SCHOOL DISTRICT" MEANS EITHER A SCHOOL DISTRICT OR A  
24 PUBLIC SCHOOL ACADEMY, AND "BOARD" MEANS EITHER A SCHOOL BOARD OR  
25 THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

26 (17) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE  
27 "EDUCATION MANDATE ROLLBACK LAW".

[ (18) THIS SECTION IS REPEALED EFFECTIVE 10 YEARS AFTER THE  
EFFECTIVE DATE OF THIS SECTION. ]



1           Enacting section 1. This amendatory act does not take effect  
2 unless House Bill No. 4080 of the 93rd Legislature is enacted into  
3 law.