

Legislative Analysis



PUBLIC INNOVATIVE DISTRICTS AND PUBLIC INNOVATIVE SCHOOLS

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House Bills 4910 and 4911 as introduced

Sponsor: Rep. Brad Paquette

Committee: Education

Complete to 11-1-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4911 would amend the Revised School Code to allow the board of a school district to apply to the superintendent of public instruction for permission to operate as a public innovative district or for a school in the district to operate as a public innovative school. Additionally, the bill would create the Education Accountability Policy Commission, charged with selecting a statewide auditor to perform audits of all qualifying districts.

House Bill 4910 would amend the State School Aid Act to exempt innovative districts and innovative schools from the general rules for determining the hours of pupil instruction or calculating the full-time equivalency of students (a term used to describe the school's membership, or student count).

HOUSE BILL 4911

Application and Renewal Process

The board of a school district applying to be an innovative district or to operate an innovative school would have to submit an application to the superintendent of public instruction by March 1 of the school year immediately before its proposed first year as an innovative district or operating an innovative school. The application would have to include all of the following:

- A statement from the school board detailing the district's vision for a personalized, competency-based education and "any time, any place, any way, any pace" learning or any other innovative approaches to learning in the school district or school.
- A description of the instructional program that would be implemented.
- A description of the interest and support for partnerships between the school district or school, parents, and the community.
- A description of the expected benefits of the **innovative practices** for students. (**Innovative practices** would mean approaches to learning that are student-centered, learning-based, and not bound by measures of time or place.)
- An explanation of how student performance in achieving specified outcomes would be measured, evaluated, and reported, using multiple measures of progress.
- A copy of the resolution passed by the board to seek permission to operate as an innovative district or school.

The superintendent of public instruction and the Michigan Department of Education (MDE) Innovative Council¹ would provide technical advice and assistance to the board of a school district completing an application to operate as an innovative district or operate an innovative school.

¹ MDE created the council July of 2015. https://www.michigan.gov/mde/0,4615,7-140-81351_74275---,00.html

The superintendent of public instruction would have to approve a complying application or deny a noncomplying application within 60 days after receiving it and notify the respective district board and the Education Accountability Policy Commission created under the bill (see below) within 10 days of the decision.

If the application were *denied*, the commission would have to hold a hearing on the application within 30 days of the notice of denial, giving representatives of the school district an opportunity to contest the basis of the denial. The commission would have to provide at least 30 days' notice of the hearing to the district board. The superintendent of public instruction would then have up to 60 days after the hearing to approve, deny, or issue a conditional approval of the application. The district would have to be notified of the decision and of any conditions and deadlines that would have to be met. If the district failed to meet the conditions by the deadline, the application would be denied.

If the application were approved or conditionally approved, the district could operate as an innovative district or operate an innovative school starting in the school year after the approval. An approval would be valid for three school years and renewable every three years.

A renewal application would have to include at least evidence of all of the following:

- That the students in the district met the standards on the applicable state assessments, or alternative assessment, during the current period of operation as an innovative district or school.
- That the district has demonstrated improvement in its course completion rate during the current period of operation as an innovative district or school.
- Progress made by the district in achieving the goals, outcomes, and competencies described in the district's application.

Within 60 days, the superintendent of public instruction would have to approve or deny the renewal, depending on whether the district or school met the criteria, and notify the district and the commission within 10 days of that decision. If the renewal were denied, the commission would have to hold a hearing to allow the district to contest the denial. Within 60 days of the hearing, the superintendent of public instruction would have to approve, deny, or issue a conditional approval of the application.

If the board of a school district applied to operate as an innovative district or to operate an innovative school, the board would have to send written notice of the application to the parents or legal guardians of each student enrolled in the school district. If the application were approved, the board would have to send written notice of the approval to the parents or legal guardians of each student enrolled in the school district.

The parent or guardian of a student enrolled, or intending to enroll, in a school that is approved to operate as an innovative school could, before the beginning of the school year, opt to enroll the student in another school in the same school district that offers an appropriate grade level. The board would have to ensure that the schools in the school district that are not operating as innovative schools enroll students seeking to enroll under these circumstances.

Operating as a Public Innovative District or a Public Innovative School

A school district operating as an innovative school or a school operating as an innovative school *would have to* develop or adopt, and implement, an instructional program that includes procedures for diagnosing pupil learning needs, methods and strategies for teaching that

incorporate those needs, resource-based learning opportunities, techniques for evaluating student outcomes, and the provision for remedial instruction, as needed.

An innovative district or school *could* adopt and implement an alternative assessment of pupil progress that meets the requirements of the federal Every Student Succeeds Act; operate a year-round program; utilize community experts in the educational process; or design courses based on the interests of individual students.

Extended Learning Opportunities

A district operating as an innovative district or a school operating as an innovative school *could* offer ***extended learning opportunities*** (defined as learning programs that occur outside the school setting) that meet at least all of the following requirements:

- Include activities designed to provide credit or supplement regular academic courses.
- Include activities designed to promote the educational goals and objectives of the student and his or her school.
- Incorporate students in selecting, organizing, and implementing extended learning activities.
- Provide opportunities for students to acquire knowledge and skill development comparable to those offered in other courses at the school.
- Are available to all students.
- Include activities that supplement and enrich regular academic courses.
- Include activities that provide opportunities for social development.
- Include activities that encourage participation in the arts, athletics, and other cooperative groups.
- Include activities that encourage service to school and community.

A district operating as an innovative district or a school operating as an innovative school would have to adopt a policy on extended learning opportunities that sets standards for administration and supervision of the opportunities, rigor of the curriculum, and credit granted for successful completion.

Tracking Student Progress

An innovative district or school would have to assign a mentor to each student and measure and track student competencies, rather than instructional hours, as the basis for awarding credit.

Auditing

The bill indicates that the legislature intends to appropriate funding for a statewide auditor to perform audits for each innovative district or school. The commission would have to select the auditor and ensure that the auditor had a background in both accounting and education. The auditor would have to replace the services provided by the auditor of the innovative district's or school's intermediate school district.

If an innovative district or school were subject to an audit performed by the statewide auditor, the board would have to provide any information to the statewide auditor that the statewide auditor determined necessary for the purpose of performing audits.

Post-Labor Day School Start Date

Currently, districts may not begin before Labor Day unless they secure a waiver from the state superintendent of public instruction or a collective bargaining agreement provides otherwise. The bill would exempt innovative districts and schools from those requirements.

Education Accountability Policy Commission

The bill would create a 13-member Education Accountability Policy Commission, prescribe requirements for its members, and provide for its duties and powers. Members would include the state superintendent of public instruction or his or her designee, one member appointed by the Senate Majority Leader, one member appointed by the Speaker of the House of Representatives, three members appointed by the superintendent of public instruction (one representing public school academies, one representing school administrators, and one a currently serving school board member), and seven members appointed by the governor (three representing organizations focused on college- and career-readiness, one representing urban school districts, one representing rural school districts, one representing parents and students, and one representing teachers).

Initial commission members would have to be appointed by July 1, 2021, and appointments would last for four-year terms. Any vacancies on the commission would have to be filled with an individual who meets the criteria for the initial appointment. If a vacancy were being filled due to resignation or death, the new appointee would serve for the rest of the original term.

The governor could remove a member from the commission for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause. Members would serve without compensation, but could be reimbursed for expenses incurred in the performance of their official duties. A vote of a majority of the members present and serving would be required for the official action of the commission.

MCL 380.1284b and proposed MCL 380.1173 and 380.1173a

HOUSE BILL 4910

House Bill 4910 would provide that the general provisions for determining student count and the hours of pupil instruction in the State School Aid Act do not apply to an innovative district or school. The act already exempts cyber schools and students enrolled in dropout recovery programs from those requirements.

MCL 388.1701

House Bills 4910 and 4911 are tie-barred together, meaning that neither bill could take effect unless both were enacted. House Bill 4911 would take effect 90 days after its enactment.

BACKGROUND:

Competency-based education (CBE) is an educational model that is intended to be both flexible and personalized, with an emphasis on mastery of course content over seat time. Students

progress once they have demonstrated competencies in the course content as opposed to age grouping.²

The bills are reintroductions of House Bills 6314 and 6315 of the 2017-18 legislative session³ and House Bills 4626 and 4627 of the 2019-20 legislative session.⁴

FISCAL IMPACT:

The bills would increase costs for the state and could increase costs for school districts that choose to apply and operate with public innovation status.

MDE would incur additional costs to develop an application/evaluation process, provide technical advice and assistance to applicable districts applying to operate with public innovation status, and provide oversight and review of metrics for applicable districts that reapply. The bills provide legislative intent to appropriate funding for a statewide auditor to perform audits for each applicable district. MDE has noted that administration of the bills would require 2.0 FTEs with a civil service classification of 13 and would cost approximately \$182,000 (salary, benefits, and other related costs).

The state could also incur additional costs to reimburse members of the Education Accountability Policy Commission for actual and necessary expenses incurred in the performance of their official duties as members of the commission.

By exempting applicable districts from requirements to meet 1,098 hours and 180 days when counting pupil memberships, the bills' increased flexibility could increase statewide pupil membership, thereby increasing state school aid costs.

The bills could increase costs for applicable districts that choose to apply and operate with public innovation status. Costs to applicable districts would depend on the degree of change required to meet requirements of the bills, including most notably the creation of an instructional program compliant with the bills, the provision of written notice to the parent or legal guardian of each pupil enrolled in the applicable district, the tracking of student competencies rather than instructional hours, and the assigning of a mentor to each student. Additionally, a district with a public innovation school could incur costs to accommodate the reconfiguration of pupils that would be allowed to enroll in another school in the district that offers an appropriate grade level.

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

² <https://www.ed.gov/oii-news/competency-based-learning-or-personalized-learning>

³ House Fiscal Agency analysis of HBs 6314 and 6315 of 2017-18: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-6314-B1640E02.pdf>

⁴ House Fiscal Agency analysis of HBs 4626 and 4627 of 2019-20: <http://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-4626-3538AB62.pdf>