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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 39 (as reported with amendments)  
Senate Bill 40 (Substitute S-1 as reported)  
Senate Bill 43 (as reported with amendments)  
Sponsor: Senator Dan L. DeGrow (Senate Bill 39)  
Senator John J. H. Schwarz, M.D. (Senate Bills 40 & 43)  
Committee: Education and Mental Health

Date Completed: 2-15-89

**RATIONALE**

Many of today's high school graduates reportedly do not know when the Civil War was fought, never read Shakespeare, are ignorant of basic scientific principles, are deficient in understanding geography, and have difficulty with mathematic computations. Cries are echoing across the nation that America has become a land of illiterates, and that this country does not measure up to other nations that it must compete with in the global market. Michigan has had a long tradition of providing quality education to all citizens. This tradition of educational excellence, some people believe, is in jeopardy. While disparity between the resources available to different school districts within the State is growing, it is argued, there is greater demand to prepare students for a changing economic and technological society. Some contend that Michigan has fallen from its position as a national education leader, and that both the quality and financing of education in this State need to be re-examined and revitalized.

**CONTENT**

The bills would amend the School Code to require local school boards to make available a core curriculum, prepare and distribute to the public an annual educational report, and adopt

and implement a school improvement plan. The bill also would impose certain responsibilities on the State Board of Education.

**Senate Bill 39**

The bill would amend the School Code to require the board of a school district to make available to all pupils attending school in the district a core curriculum based on a core curriculum that would have to be developed by the State Board of Education.

The State Board would be required to develop a core curriculum, in conjunction with curriculum and subject matter specialists, that would have to be based on the State Board-approved "Michigan K-12 Program Standards of Quality" and transmitted to all school districts in the State. The core curriculum would have to consist of a list of required subjects and recommended courses, plus general objectives and topics for each subject.

Considering the State Board's core curriculum as a guide, a local school board would be required to determine the courses that would comprise the school district's core curriculum and the sequence, by grade cluster, in which

those courses would be taught.

A subject or course required by the core curriculum developed by the State Board could be made available to all pupils in a school district by that school district, a consortium of school districts, or a consortium of one or more school districts and one or more intermediate school districts.

Proposed MCL 380.1278

#### Senate Bill 40 (S-1)

The bill would amend the School Code to require the board of a school district to prepare and distribute to the public and the State Board of Education an annual educational report, which would have to include information specified in the bill. The school district would have to distribute the report to the public by publishing it either in a newspaper of major circulation that served the school district area or in a newsletter mailed to all school district households. By July 1, 1989, the State Board would be required to prepare and make available to school districts suggestions for accumulating the required information and a model educational report for school districts to consider in implementing the bill.

The annual educational report would have to include, but not be limited to, all of the following information:

- The accreditation status of each school within the district.
- The status of the three- to five-year school improvement plan, as proposed in Senate Bill 43, for each school within the district.
- A copy of the core curriculum, as proposed in Senate Bill 39, and a description of its implementation.
- A report of aggregate student achievement based on the results of any locally-administered student competency tests, statewide assessment tests, or nationally-normed achievement tests that were given to pupils attending school in

the district.

- For the previous year, the number and percentage of school dropouts, as defined by the State Board, in the school district, identified by grade level.
- For the year in which the report was filed and the previous school year, the number of pupils, identified at the elementary, middle, and secondary school levels, who were enrolled in the school in that district.
- The percentage of elementary, middle, and high - school households that participated in parent-teacher conferences.
- The percentage of citizens, both parents and those without children, who served as volunteers in school classrooms, libraries, lunch rooms, and playgrounds.

MCL 380.6 et al.

#### Senate Bill 43

The bill would amend the School Code to require the board of a school district, considering criteria established by the State Board of Education, to adopt and implement a three- to five-year school improvement plan and continuing school improvement process for each school within the district. The bill also would require the Department of Education, when requested, to assist a school district in developing and implementing a school improvement plan. The State Board would be required annually to review a random sampling of improvement plans and report on improvement activities to the Legislature.

A district's school improvement plan would have to include, at a minimum, proposed methods for effective classroom management. The school board would be required annually to update the plan.

School building administrators, teachers, pupils, parents of pupils attending that school, and other residents of the school district would be required to participate in the planning, development, and implementation of the

district's school improvement plan. The improvement plan would have to be maintained on file with the intermediate school district to which the school district was constituent.

Upon request of a local school board, the Department of Education would be required to assist, and the intermediate school district to which the school district was constituent could assist, the school district in the development and implementation of a school improvement plan.

The State Board would be required annually to review a random sampling of school improvement plans and submit a report on school improvement activities planned and accomplished by each of the school districts that were part of the sampling to the Senate and House committees responsible for education legislation.

Proposed MCL 380.1277

#### **FISCAL IMPACT**

##### **Senate Bill 39**

The State Board of Education and local districts would incur minimal costs in developing a core curriculum. The costs to local districts would be indeterminate, depending on the degree to which the proposed core courses were not currently being offered. Because the bill would require that school boards "make available to all pupils" a core curriculum, it would seem that any costs incurred by local districts would be reimbursable by the State. Also, the bill does not specify the courses that a core curriculum would have to include.

##### **Senate Bill 40 (S-1)**

The Department of Education would incur minimal costs in making suggestions and a model report available to local school districts. A local school district would incur minimal costs in preparing the report required under Section 1204a; because the report would be mandated by the State, the costs would be reimbursable by the State.

##### **Senate Bill 43**

The State Board of Education would incur minimal costs in reviewing a random sampling of school improvement plans and reporting to the Legislature. The Department of Education would incur indeterminate costs in assisting requesting school districts to develop and implement plans. It is not known how many school districts would request assistance. A local school district would incur indeterminate costs dependent upon the new or expanded activities specified in its plan. Because local school districts would be mandated "to adopt and implement" an improvement plan and because of the local district's option of what to include in the plan, it is not clear whether the implementation of the improvement plans would have to be reimbursed by the State. The cost to develop an improvement plan would be from minimal cost to \$5,000 per building. The cost of implementation would presumably be in the millions statewide.

An intermediate school district would incur indeterminate costs dependent upon the number of constituent school districts and the extent to which the intermediate district assisted them in developing and implementing a plan. An intermediate district would incur minimal costs for filing and keeping on record a copy of a constituent school district's plan.

#### **ARGUMENTS**

##### **Supporting Argument**

The State's future depends on the development of an educational system that is excellent in quality and effective in outcome. The Michigan School Finance Commission--appointed by the State Board of Education in February 1987 to review school finance and equal educational opportunities--noted in its September 1987 report that schools, provided with appropriate guidance and resources, would be able and willing to improve the quality of educational opportunity and results. To accomplish this, however, schools need assistance, resources, and educational standards. Senate Bills 39, 40 (S-1), and 43 would provide just that. By requiring school districts to make available a core curriculum, Senate Bill 39 would be

consistent with the Commission's recommendations to establish State curriculum standards while not authorizing a greater role for the State Board of Education in defining the scope and sequence of the courses but leaving that up to the discretion of the local school board. Senate Bill 40 (S-1) would require a local school board to prepare and make available to the public an annual educational report. This requirement would ensure that school districts were accountable to the people they serve, and would provide an extension of current financial reporting to constituents of a school district by requiring the district to report curriculum information, student test results, enrollment data, and dropout information. Senate Bill 43 would require a local school board to adopt and implement a three- to five-year school improvement plan and continuing school improvement process for each school in the district, considering criteria established by the State Board. While school improvement is a complex process that involves collaboration by all members of the educational community, it is a way for a school to improve its instructional program, educational climate, and educational opportunity for all students.

#### Supporting Argument

Establishing a core curriculum, as Senate Bill 39 would require, would guarantee that schools provided students with an opportunity for receiving an equitable quality school program, regardless of the district in which the students reside.

**Response:** While the bill would require that a school district make available to students a core curriculum that would have to be based on a core curriculum developed by the State Board of Education, a local school board only would have to use the State Board's curriculum as a basis in determining a local district's curriculum. Since it is not certain what courses would be included in the curriculum developed by the State Board and, of those recommended courses, what courses a local district actually would include in its own core curriculum, there is no guarantee that the 560-plus school districts in the State would develop the same core curricula. Furthermore, spending for schools varies widely across the

State because of differences in the value of property and the number of mills that taxpayers are willing to authorize in support of schools. Unfortunately, the quality of a child's education in Michigan is dependent on where that child lives. Because of the uncertainty about the courses that would comprise a core curriculum, because of the disparity of school funding across the State, and because of a lack of sufficient funding to implement the bill effectively, Senate Bill 39 would do little to provide an equitable quality educational program across the State.

#### Opposing Argument

The impact these bills would have on the educational system in the State is not certain. Many school districts already are fulfilling the requirements of the three bills. For example, many local school districts in their graduation requirements include some level of course work in subject areas that commonly are contained in a core curriculum: health and physical education, mathematics, science, and social studies, as well as in communication skills. Furthermore, a majority of school districts reportedly have established a committee to develop a long-range school improvement plan and almost one-half of them already have developed such a plan. In addition, school boards are required under the School Code to publish a financial report (MCL 380.1203) and annually report to the State Board of Education (MCL 380.1204).

**Response:** The major difference between what currently exists in the educational system and what is proposed is that, under the bills, at the State level expectations would be set and parameters would be established for education across the State. This is primarily true in the area of curriculum: under Senate Bill 39, a local district's core curriculum would have to be based on a core curriculum developed by the State Board of Education. In addition, the State Board's curriculum would have to be based on the State Board-approved "Michigan K-12 Program Standards of Quality"; according to that document, it is designed to be used by local districts as a resource for self-assessment of programs to estimate a level of quality and identify areas for improvement. Currently, there is a great discrepancy among local school

districts as to what constitutes a core curriculum and student performance. This is especially evident when a student graduates from high school and must compete with graduates from other districts in the State for higher education or jobs. The bills also would motivate local districts to develop long-term plans on their expectations for students. Many school districts now design plans for future staffing and building needs, but few plan to bring about positive changes for student achievement. This package of education bills would encourage local districts to do a better job in strategically planning educational achievement.

#### Opposing Argument

While the bills could strengthen the momentum to improve public education in the State, they pose a threat to the autonomy of local districts. Senate Bill 39 would require that a school board make available a core curriculum that would have to be based on a core curriculum developed by the State Board of Education. The annual education report, proposed in Senate Bill 40 (S-1), also would be another requirement by the State, rather than an option that allowed local boards of education to select the best method of reporting to their constituents. By requiring school improvement planning, Senate Bill 43 would make the process of change a mandate rather than a willfully chosen course of action that arose from within a particular school district.

Response: While school boards would be expected to make available a core curriculum, adopt and implement school improvement plans, and prepare an annual educational report, the local boards would not be required to follow an approach dictated by the State. Instead, local boards only would have to base their curricula on a core curriculum developed by the State Board with the final decision on what to include in a core curriculum left up to each district. Furthermore, Michigan's long tradition of local control is not established by statute. These bills would not undermine that tradition. Rather, local school districts would have to provide more accountability to the State and their constituents.

#### Opposing Argument

It is not clear whether the bills' provisions requiring a local school district to make available a core curriculum, prepare and distribute an annual educational report, and adopt and implement a school improvement plan would be considered new requirements as defined by Article IX, Section 29 of the State Constitution (the Headlee Amendment) and interpreted by judicial decisions pertaining to it. (Article IX, Section 29 of the Michigan Constitution states the following: "A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the legislature or any state agency or units of local government, unless a state appropriation is made and disbursed to pay the unit of local government for any necessary increased costs".) Furthermore, many local school district officials contend that they lack the necessary resources to implement the bills, and that a guarantee of State financial support should be tied to the bills' requirements.

#### Opposing Argument

While efforts to guarantee all students access to a strong educational program should be supported, Senate Bill 39 could have an inadvertent negative effect on nonpublic schools in the State. Under the compulsory school attendance provisions of the School Code (MCL 380.1561), a child is not required to attend a public school if that child is regularly attending and is being taught in a State-approved nonpublic school that teaches "subjects comparable to those taught in public schools" to children of corresponding age and grade as determined by the course of study for public schools in the district where the nonpublic school is located. The Michigan Supreme Court, in December 1984, cited this provision in Snyder v Charlotte Public School District, and noted: "This implies that the nonpublic school must provide a 'core curriculum' for its students, such as basic reading, mathematics, English, etc." (421 Mich 517). This has raised concern that courses specified in a public school district's core curriculum, in compliance with Senate Bill 39, could result in nonpublic schools' being required to offer similar courses. While many nonpublic schools do provide in their basic curricula courses similar to those

offered in public schools, some small nonpublic schools could neither offer nor afford to offer a comparable curriculum if courses, such as advanced mathematics or science, that once were considered elective courses--and made available by a public school to both public and nonpublic school students--became part of a core curriculum developed as a result of Senate Bill 39. Thus, some small nonpublic schools could be in jeopardy of closing their doors.

#### **Opposing Argument**

These bills are deficient in two areas: there are no proposed penalties for noncompliance by local school boards, and there are no provisions on the length of a school day to accommodate a core curriculum.

**Response:** Local school boards that did not comply with requirements of these bills would be subject to the existing penalty provision in the School Code. Under the Code, a school official or member of a school board or intermediate school board or other person who neglects or refuses to perform an act required in the Code, or who violates or knowingly permits or consents to a violation, is guilty of a misdemeanor punishable by a fine of up to \$500, or imprisonment for up to three months, or both (MCL 380.1804). In addition, the length of a school day traditionally has been determined by the local school district.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.