

House Bill 4693
Sponsor: Rep. Brian Palmer
Committee: Education

Complete to 5-16-03

A SUMMARY OF HOUSE BILL 4693 AS INTRODUCED 5-15-03

House Bill 4693 would amend the Revised School Code to create a section called the Educational Flexibility and Empowerment Law, in order to permit school districts to apply for an Ed-Flex Contract. The contract would allow the state superintendent of public instruction to waive for a district, for up to five years, state statutes and rules that were part of a performance-based contract with clearly defined and measurable performance goals, or certain federal requirements, in accord with federal law allowing educational waivers. Except for health and safety requirements, any requirement placed on a school district under the Revised School Code or the State School Aid Act, or any rule promulgated under the code or the act, would be subject to waiver under an Ed-Flex contract. A more detailed explanation of the bill follows.

Public hearing. Before applying for an Ed-Flex contract, the board of a school district would have to adopt a resolution indicating the board's intent to apply. The resolution would have to specify the school or schools in the district to be covered by the contract, if it were not intended to cover the entire school district. Before adopting the resolution, the board would have to hold at least one public hearing so that the types of waivers and the need for them were explained and public comment could be heard.

Ed-Flex application. Under the bill, a school district would submit an application for its contract to the state superintendent. The application would contain at least the following information:

- a list of the requirements proposed to be waived, including, if applicable, specific federal requirements;
- a statement of need for each waiver, including its purpose and intended results;
- an annual and summative description of measurable goals for improved student performance, including but not limited to goals for improving Michigan Educational Assessment Program (MEAP) test scores;
- an explanation of how the waivers would assist the school district to achieve its performance goals;
- the specific schools to be covered; and
- a copy of the resolution and, if applicable, an explanation of the public notice requirements as specified under federal law.

State superintendent's responsibility. The state superintendent would have 60 days to either approve or disapprove an Ed-Flex application, and notify the school district. If approved, the superintendent and district would promptly enter into a contract. If disapproved, the superintendent's notification to the district would specify the reasons for the disapproval, and the school district could submit a revised application. If the state superintendent did not notify a school district within 60 days of receiving an application, it would be considered approved, and a contract would be entered into.

Under the bill, the state superintendent could approve an application only if he or she found that the performance goals were sufficiently specific and would, if met, constitute improved student achievement; and, if the contract would allow the school district to enhance learning and to operate in a more effective, efficient, or economical manner.

The bill would require the superintendent to give priority attention to applications focused on reducing student achievement gaps based on race, gender, and socioeconomic status.

The Ed-Flex contract. The bill specifies that the Michigan Department of Education prescribe the form of the Ed-Flex contract, and that it contain at least all of the following information:

- all matters discussed in the application;
- assurance that the school district would report its annual progress toward its performance goals;
- an agreement that, in order for the contract to be reviewed, the MEAP scores or other performance measurements identified would have to demonstrate adequate annual progress on performance goals, attaining a specific measurable benchmark by the end of the contract;
- an agreement on the contents of the empowerment report (or final evaluation) to be filed by the school district at the end of the contract term, including a summary of performance goals achieved, and the programs, curriculum, and other innovative approaches used to achieve the goals; and,
- the term of the contract, which could not exceed five years.

The bill specifies that the state superintendent could terminate an Ed-Flex contract before the end of its term, if he or she determined that the school district had experienced two consecutive years of declining student performance, based on the measurable performance goals. However, the superintendent would not be required to terminate the contract if the decline was due to exceptional or uncontrollable circumstances.

At the end of the contract, the school district would be required to submit an empowerment report, to describe whether it had met or not met the performance goals. If those goals had been met, the superintendent could renew the contract.

Annual report to legislature. Under the bill, the superintendent would be required to submit an annual report to the legislature concerning the status of the Ed-Flex program, including a report about contracts issued during the year, and the progress on performance goals.

Educational innovations and best practices. The bill would require that as the first Ed-Flex contracts expired, the Department of Education post information on its website about the innovations and best practices used by school districts to achieve student performance goals.

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■ 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.