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House Bill 4693 (Substitute S-1 as reported)  
Sponsor: Representative Brian Palmer  
House Committee: Education  
Senate Committee: Education

### **CONTENT**

The bill would create the "Educational Flexibility and Empowerment Law" within the Revised School Code to permit school districts to apply for, and authorize the State Superintendent of Public Instruction to approve, an Educational Flexibility and Empowerment ("Ed-Flex") contract. The State Superintendent could waive for a district, for up to five years, provisions of the Code and the State School Aid Act that were designated part of a performance-based contract with clearly defined and measurable performance goals, or certain Federal requirements in accordance with Federal law allowing educational waivers. Except for health and safety requirements and teacher certification 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. The State Superintendent could not waive requirements imposed on public school academies other than those that could be waived for school districts.

Before submitting an application for an Ed-Flex contract to the State Superintendent, a school district would have to establish an Ed-Flex planning committee, which would have to include a representative of each of the district's collective bargaining units affected by the contract.

The Superintendent could terminate an Ed-Flex contract before the end of its term if he or she determined that the school had failed for two consecutive years to meet the adequate yearly progress standards of the No Child Left Behind Act.

Proposed MCL 380.1294

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

The Department of Education could face increased administrative costs associated with reviewing and processing Ed-Flex waivers if this legislation resulted in increased waiver requests.

The bill could result in decreased local costs, but the ultimate fiscal impact would depend upon how many waivers were sought, the type of waivers sought (e.g., those that would result in increased efficiency or economy), and the degree of success by the school districts in accomplishing the goals of the waivers. In other words, if a district sought a waiver in order to operate in a more economical manner, and if by receiving the waiver the district did see reduced costs with the same or a higher level of educational achievement, then the fiscal impact of this bill would be a reduction in local costs. However, it is not possible to state that this would be a certain outcome.

Date Completed: 2-2-04

Fiscal Analyst: Kathryn Summers-Coty