

**EDUCATIONAL FLEXIBILITY AND
EMPOWERMENT CONTRACT**

House Bill 4760
Sponsor: Rep. Tom Meyer

House Bill 4761
Sponsor: Rep. Wayne Kuipers

Committee: Education
Complete to 5-11-01

A SUMMARY OF HOUSE BILLS 4760 AND 4761 AS INTRODUCED 5-10-01

The bills would allow for Educational Flexibility and Empowerment Contracts that would be administered by the state superintendent of public instruction in the Department of Education. An “ed-flex” contract would enable a school district to defer compliance with state and federal laws and rules as part of a performance contract. Under the legislation, the state superintendent would be required to give priority to applications for ed-flex contracts that were focused on reducing student achievement gaps based on race, gender, and socioeconomic status. A detailed description of the application, the contract, and related matters follows.

House Bill 4761 would amend the State School Aid Act (MCL 388.1609) to specify that the requirements of, and the rules promulgated under, the act would be subject to waiver under an educational flexibility and empowerment contract that was issued under the provisions of House Bill 4760, to which it is tie-barred.

House Bill 4760 would amend the Revised School Code (MCL 380.1294) to specify that a school district could apply to the superintendent of public instruction for an educational flexibility and empowerment contract, either for the school district, or for one or more schools operated by the school district. The contract would allow the superintendent to waive state statutes and rules and certain federal requirements that were designated as part of a performance-based contract with clearly defined and measurable performance goals. Under the bill, any provision of the Revised School Code, or of the State School Aid Act of 1979, or of any rule promulgated under either statute would be subject to waiver, except health and safety requirements.

A school district’s board would indicate its intent to apply for a contract by adopting a resolution, specifying in that resolution which school or schools were to be covered. Before adopting the resolution, the board would be required to hold at least one public hearing at which the types of waivers sought, and the need for the waivers, were explained, and at which public comment was allowed.

Ed-Flex contract application. Under the bill, a school district would submit an application for an ed-flex contract to the superintendent of public instruction, in the form and manner the Department of Education prescribed. However, the application would contain at least all of the following:

- a list of the state statutes and federal laws and all rules and regulations proposed to be waived;

- a statement specifying the need for waiver of each, including the purpose and intended results;

- a description of measurable goals for improved student performance, both for each school year and for the overall term of the contract, including but not limited to goals for improving Michigan Educational Assessment Program (MEAP) scores;

- a description of the measurements to be used to determine whether performance goals had been met, both for each school year and for the overall term of the contract;

- an explanation of how the contract and waivers would assist the district or school to achieve its performance goals;

- the schools covered, if the contract was not intended for the entire school district; and,

- a copy of the board resolution, and if the contract were intended to cover federal waivers under federal law, an explanation of how the public notice requirements of federal law had been met.

Responsibilities of the state superintendent. Within 60 days after receiving an ed-flex application, the superintendent of public instruction would be required to approve or disapprove it, and notify the school district. If the application were approved, the superintendent would be required to promptly enter into an ed-flex contract. If the application were not approved, he or she would be required to note the specific reasons for disapproval to the school district, and the district could submit a revised application.

Under the bill, the superintendent could not approve an application unless he or she found a) that the performance goals contained in the application were sufficiently specific and would, if met, constitute improved student achievement; and b) that the contract would allow the school district to enhance learning and to operate in a more effective, efficient, or economical manner.

If the state superintendent did not act on an application within the 60-day time limit, the application would be considered approved, and he or she would be required to enter into the proposed ed-flex contract with the school district.

Ed-flex contract. An ed-flex contract would be required to include at least all of the following:

- all matters addressed in the application;

- assurance that the school district would report its annual progress toward its performance goals;

-an agreement that contract renewal depended upon MEAP scores that demonstrated adequate annual progress toward meeting the performance goals, and that attained a specific measurable benchmark by the end of the contract;

-an agreement on the contents of the empowerment report--a report summarizing the performance goals achieved, and the programs, curriculum, or other innovative approaches used to achieve them--that would be filed by the school district at the end of the contract term; and,

-the term of the contract, which could not exceed five years.

Early contract termination. Under the bill, the superintendent of public instruction could terminate an ed-flex contract before the end of its term if he or she determined that the school district or school had experienced two consecutive years of declining student performance, based on the performance goals set in the contract. However, the superintendent would not be required to terminate the contract if he or she determined that the decline was due to exceptional or uncontrollable circumstances.

Empowerment report; contract renewal. At the conclusion of the term of an ed-flex contract, a school district would be required to submit an empowerment report describing how the district or school had met, or had not met, the performance goals set forth in its contract. If the goals had been met, the superintendent could renew the contract.

Annual report to legislature. The bill would require the state superintendent to submit an annual report to the legislature on the status of the Educational Flexibility and Empowerment Program, including a report on ed-flex contracts issued during the year, and on progress made toward attainment of performance goals.

Educational innovations on web site. As the initial ed-flex contracts expired, the Department of Education would be required to post information on its web site about the educational innovations and best practices used to achieve pupil performance goals under the contracts.

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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.