

HOUSE BILL No. 4760

May 10, 2001, Introduced by Reps. Meyer, Kuipers and Vander Veen and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1294.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1294. (1) A SCHOOL DISTRICT MAY APPLY TO THE SUPERIN-
2 TENDENT OF PUBLIC INSTRUCTION FOR AN EDUCATIONAL FLEXIBILITY AND
3 EMPOWERMENT CONTRACT UNDER THIS SECTION FOR THE SCHOOL DISTRICT
4 OR FOR 1 OR MORE SCHOOLS OPERATED BY THE SCHOOL DISTRICT. AN
5 ED-FLEX CONTRACT ALLOWS THE SUPERINTENDENT OF PUBLIC INSTRUCTION
6 TO WAIVE STATE STATUTES AND RULES DESIGNATED AS PART OF A
7 PERFORMANCE-BASED CONTRACT WITH CLEARLY DEFINED AND MEASURABLE
8 PERFORMANCE GOALS. A SCHOOL DISTRICT ALSO MAY APPLY TO THE
9 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR WAIVER OF CERTAIN
10 FEDERAL REQUIREMENTS, IN ACCORDANCE WITH FEDERAL LAW ALLOWING
11 FEDERAL EDUCATION WAIVERS TO BE ISSUED BY THIS STATE.

1 (2) BEFORE APPLYING FOR AN ED-FLEX CONTRACT, THE BOARD OF A
2 SCHOOL DISTRICT MUST ADOPT A RESOLUTION INDICATING THE BOARD'S
3 INTENT TO APPLY FOR THE EDUCATIONAL FLEXIBILITY AND EMPOWERMENT
4 CONTRACT. IF THE CONTRACT IS NOT INTENDED TO COVER THE ENTIRE
5 SCHOOL DISTRICT, THE RESOLUTION SHALL SPECIFY THE SCHOOLS TO BE
6 COVERED. BEFORE ADOPTING THE RESOLUTION, THE BOARD SHALL HOLD AT
7 LEAST 1 PUBLIC HEARING AT WHICH THE TYPES OF WAIVERS SOUGHT AND
8 THE NEED FOR THE WAIVERS ARE EXPLAINED AND PUBLIC COMMENT IS
9 ALLOWED.

10 (3) A SCHOOL DISTRICT SHALL SUBMIT AN APPLICATION FOR AN
11 ED-FLEX CONTRACT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN
12 THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. THE APPLICA-
13 TION SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

14 (A) A SPECIFIC LISTING OF THE STATUTES AND RULES PROPOSED TO
15 BE WAIVED. IF THE APPLICATION IS INTENDED TO ALSO SERVE AS AN
16 APPLICATION FOR FEDERAL WAIVERS UNDER FEDERAL LAW, THE APPLICA-
17 TION ALSO SHALL INCLUDE A SPECIFIC LISTING OF THE FEDERAL STAT-
18 UTES AND REGULATIONS PROPOSED TO BE WAIVED.

19 (B) A STATEMENT SPECIFYING THE NEED FOR WAIVER FOR EACH
20 STATUTE OR RULE PROPOSED TO BE WAIVED, INCLUDING THE PURPOSE AND
21 INTENDED RESULTS FOR EACH WAIVER.

22 (C) A DESCRIPTION, FOR EACH SCHOOL YEAR AND FOR THE OVERALL
23 TERM OF THE CONTRACT, OF THE SPECIFIC MEASURABLE GOALS FOR
24 IMPROVED PUPIL PERFORMANCE IN THE SCHOOL DISTRICT OR SCHOOL.
25 THESE GOALS SHALL INCLUDE, BUT ARE NOT LIMITED TO, GOALS FOR
26 IMPROVING MEAP SCORES.

1 (D) A DESCRIPTION, FOR EACH SCHOOL YEAR AND FOR THE OVERALL
2 TERM OF THE CONTRACT, OF THE MEASUREMENTS TO BE USED TO DETERMINE
3 WHETHER THE PUPIL PERFORMANCE GOALS UNDER SUBDIVISION (C) HAVE
4 BEEN MET.

5 (E) AN EXPLANATION OF HOW THE CONTRACT AND THE WAIVERS WILL
6 ASSIST THE SCHOOL DISTRICT OR SCHOOL IN ACHIEVING ITS SPECIFIED
7 PERFORMANCE GOALS.

8 (F) IF THE CONTRACT IS NOT INTENDED TO COVER THE ENTIRE
9 SCHOOL DISTRICT, THE SPECIFIC SCHOOLS TO BE COVERED.

10 (G) A COPY OF THE BOARD RESOLUTION REQUIRED UNDER SUBSECTION
11 (2). IF THE APPLICATION IS INTENDED TO ALSO SERVE AS AN APPLICA-
12 TION FOR FEDERAL WAIVERS UNDER FEDERAL LAW, THE APPLICATION ALSO
13 SHALL INCLUDE AN EXPLANATION OF HOW THE PUBLIC NOTICE REQUIRE-
14 MENTS OF FEDERAL LAW HAVE BEEN MET.

15 (4) WITHIN 60 DAYS AFTER RECEIVING AN APPLICATION UNDER SUB-
16 SECTION (3), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
17 APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE SCHOOL DIS-
18 TRICT OF THE DECISION. IF THE SUPERINTENDENT OF PUBLIC INSTRUC-
19 TION APPROVES THE APPLICATION, THE SUPERINTENDENT OF PUBLIC
20 INSTRUCTION SHALL PROMPTLY ENTER INTO AN ED-FLEX CONTRACT WITH
21 THE SCHOOL DISTRICT. IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
22 DISAPPROVES THE APPLICATION, THE NOTIFICATION TO THE SCHOOL DIS-
23 TRICT SHALL INCLUDE NOTICE OF THE SPECIFIC REASONS FOR THE DISAP-
24 PROVAL, AND THE SCHOOL DISTRICT MAY SUBMIT A REVISED
25 APPLICATION. IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DOES
26 NOT ACT ON AN APPLICATION AND NOTIFY THE SCHOOL DISTRICT OF HIS
27 OR HER DECISION WITHIN THE TIME LIMITS REQUIRED UNDER THIS

1 SUBSECTION, THE APPLICATION IS CONSIDERED APPROVED AND THE
2 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROMPTLY ENTER INTO
3 THE PROPOSED ED-FLEX CONTRACT WITH THE SCHOOL DISTRICT.

4 (5) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT
5 APPROVE AN APPLICATION SUBMITTED UNDER SUBSECTION (3) UNLESS HE
6 OR SHE FINDS ALL OF THE FOLLOWING:

7 (A) THAT THE PERFORMANCE GOALS CONTAINED IN THE APPLICATION
8 ARE SUFFICIENTLY SPECIFIC AND WILL, IF MET, CONSTITUTE IMPROVED
9 PUPIL ACHIEVEMENT.

10 (B) THAT THE CONTRACT WILL ALLOW THE SCHOOL DISTRICT TO
11 ENHANCE LEARNING AND TO OPERATE IN A MORE EFFECTIVE, EFFICIENT,
12 OR ECONOMICAL MANNER.

13 (6) IN APPROVING APPLICATIONS SUBMITTED UNDER SUBSECTION
14 (3), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL GIVE PRIORITY
15 TO APPLICATIONS THAT ARE FOCUSED ON REDUCING PUPIL ACHIEVEMENT
16 GAPS BASED ON RACE, GENDER, AND SOCIOECONOMIC STATUS.

17 (7) THE DEPARTMENT SHALL PRESCRIBE THE FORM OF AN ED-FLEX
18 CONTRACT. THE CONTRACT SHALL INCLUDE AT LEAST ALL OF THE
19 FOLLOWING:

20 (A) ALL MATTERS ADDRESSED IN THE APPLICATION.

21 (B) ASSURANCE THAT THE SCHOOL DISTRICT WILL REPORT ITS
22 ANNUAL PROGRESS TOWARD ITS PERFORMANCE GOALS.

23 (C) AN AGREEMENT THAT, IN ORDER FOR THE CONTRACT TO BE
24 RENEWED, THE MEAP SCORES FOR THE SCHOOL DISTRICT OR SCHOOL MUST
25 DEMONSTRATE ADEQUATE ANNUAL PROGRESS TOWARD MEETING THE PER-
26 FORMANCE GOALS AND MUST ATTAIN A SPECIFIC MEASURABLE BENCHMARK BY
27 THE END OF THE CONTRACT.

1 (D) AN AGREEMENT ON THE CONTENTS OF THE EMPOWERMENT REPORT
2 TO BE FILED BY THE SCHOOL DISTRICT AT THE END OF THE CONTRACT
3 TERM. THE EMPOWERMENT REPORT SHALL SUMMARIZE THE PERFORMANCE
4 GOALS ACHIEVED DURING THE TERM OF THE CONTRACT AND THE PROGRAMS,
5 CURRICULUM, OR OTHER INNOVATIVE APPROACHES USED TO ACHIEVE THESE
6 GOALS.

7 (E) THE TERM OF THE CONTRACT, WHICH SHALL NOT EXCEED 5
8 YEARS.

9 (8) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY TERMINATE
10 AN ED-FLEX CONTRACT BEFORE THE END OF ITS TERM IF THE SUPERINTEN-
11 DENT OF PUBLIC INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT OR
12 SCHOOL HAS EXPERIENCED 2 CONSECUTIVE YEARS OF DECLINING PUPIL
13 PERFORMANCE, BASED ON THE PERFORMANCE GOALS AND MEASUREMENTS SET
14 IN THE CONTRACT. THE SUPERINTENDENT OF PUBLIC INSTRUCTION IS NOT
15 REQUIRED TO TERMINATE AN ED-FLEX CONTRACT IF HE OR SHE DETERMINES
16 THAT THE DECLINE IS DUE TO EXCEPTIONAL OR UNCONTROLLABLE
17 CIRCUMSTANCES.

18 (9) AT THE CONCLUSION OF THE TERM OF AN ED-FLEX CONTRACT,
19 THE SCHOOL DISTRICT SHALL SUBMIT ITS EMPOWERMENT REPORT DESCRIB-
20 ING HOW THE SCHOOL DISTRICT OR SCHOOL MET OR DID NOT MEET THE
21 PERFORMANCE GOALS SET FORTH IN THE CONTRACT. THE SUPERINTENDENT
22 OF PUBLIC INSTRUCTION MAY RENEW THE ED-FLEX CONTRACT IF THE PER-
23 FORMANCE GOALS HAVE BEEN MET.

24 (10) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY NOT WAIVE
25 ANY HEALTH AND SAFETY REQUIREMENTS AS PART OF AN ED-FLEX
26 CONTRACT.

1 (11) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SUBMIT
2 AN ANNUAL REPORT TO THE LEGISLATURE ON THE STATUS OF THE
3 EDUCATIONAL FLEXIBILITY AND EMPOWERMENT PROGRAM UNDER THIS SEC-
4 TION, INCLUDING A REPORT ON ED-FLEX CONTRACTS ISSUED DURING THE
5 YEAR, AND ON PROGRESS MADE TOWARD ATTAINMENT OF PERFORMANCE
6 GOALS.

7 (12) AS THE INITIAL EDUCATIONAL FLEXIBILITY AND EMPOWERMENT
8 CONTRACTS ISSUED UNDER THIS SECTION EXPIRE, THE DEPARTMENT SHALL
9 POST INFORMATION ON ITS WEBSITE ON THE EDUCATIONAL INNOVATIONS
10 AND BEST PRACTICES USED TO ACHIEVE PUPIL PERFORMANCE GOALS UNDER
11 THE CONTRACTS.

12 (13) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), ANY
13 PROVISION OF THIS ACT OR THE STATE SCHOOL AID ACT OF 1979, OR OF
14 ANY RULE PROMULGATED UNDER THIS ACT OR THE STATE SCHOOL AID ACT
15 OF 1979, IS SUBJECT TO WAIVER UNDER AN ED-FLEX CONTRACT.

16 (14) AS USED IN THIS SECTION:

17 (A) "ED-FLEX CONTRACT" MEANS AN EDUCATIONAL FLEXIBILITY AND
18 EMPOWERMENT CONTRACT ISSUED TO A SCHOOL DISTRICT UNDER THIS SEC-
19 TION FOR THE SCHOOL DISTRICT OR FOR 1 OR MORE SCHOOLS OPERATED BY
20 THE SCHOOL DISTRICT.

21 (B) "EMPOWERMENT REPORT" MEANS THE FINAL EVALUATION REPORT
22 REQUIRED TO BE FILED AT THE END OF THE TERM OF AN ED-FLEX CON-
23 TRACT UNDER SUBSECTION (9).

24 (C) "MEAP SCORES" MEANS THE SCORES ACHIEVED BY THE PUPILS OF
25 A SCHOOL DISTRICT OR SCHOOL, AS APPLICABLE, ON ALL MICHIGAN EDU-
26 CATIONAL ASSESSMENT PROGRAM TESTS ADMINISTERED TO PUPILS OF THE
27 SCHOOL DISTRICT OR SCHOOL.

1 (15) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
2 "EDUCATIONAL FLEXIBILITY AND EMPOWERMENT LAW".