



A Union of Professionals

AFT Michigan
AFL-CIO

CAPITOL REPORT

January 2010

“Race to the Top” Education Reform Package

As you will recall, last spring a pot of discretionary money totaling \$4.3 billion was set aside as part of the ARRA stimulus package to develop a state competitive grant called “Race to the Top.” Michigan expects to be awarded 200 to 400 million dollars under this grant, with approximately half being funneled to local school districts.

Competitive grant application details were released by the Federation Department of Education in mid-November. Inside this 102-page document were specific guidelines necessary for states to include in their grant application in order to be considered.

Governor Granholm and the Legislature realized Michigan needed to make some statutory changes to be a serious contender. At the same time, the Michigan Department of Education was developing our state plan that needs to be included in Michigan’s application. Within the state plan, there is a requirement for participating districts to submit a memorandum of understanding (MOU) signed by the local superintendent, school board president, and teachers’ union president. Within 90 days participating districts need to develop their own local plan to be submitted to the Michigan Department of Education.

AFT Michigan has sent e-mail updates to our Local Presidents regarding the MOU and the Michigan Department of Education’s state plan. On January 11, Local Presidents were asked, if they are going to sign the district MOU, to forward them to AFT Michigan to be held in “escrow” pending our review of the State Plan on Thursday, January 14.

Throughout this intense day-and-night process, AFT Michigan worked side-by-side with the MEA. Together we diligently lobbied the Legislature, the Governor’s Office and the Department of Education to enhance Michigan chance for “Race to the Top” money, yet preserving collective bargaining rights and ensure good education policy.

Substantial and dramatic improvements were made in this legislative package from its introduction through final passage on December 19th. We constantly negotiated with the Governor, Legislature, and Department of Education to keep them focused on what changes were *necessary* for “The Race to the Top.” We lost some policy issues on the final night of negotiations.

Below you will find details of the five new laws that were enacted in December to enhance Michigan’s RTTT application. *Please note that these five new laws must be followed by all school districts– not just those applying for RTTT grants.*

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Struggling Schools - Public Act 204, 2009

(House Bill 4787 - Melton, D-Auburn Hills)

- Places the lowest achieving 5 percent of public schools under the supervision of a state school reform/redesign officer (SSRRO) beginning in 2010. Requires local board to submit a redesign plan within 90 days. Final definition will be based on federal rules.
- Plan must use one of four school intervention models (*turnaround, restart, school closure, or transformation*).
- Plan must be drafted in consultation with the local teacher bargaining unit and the local superintendent (or the emergency financial officer, if there is one).
- Plan must include an addendum to each applicable collective bargaining agreement in effect.
- SSRRO must approve, disapprove, or make changes to the plan within 30 days.
- Local board has 30 days to change and resubmit the plan.
- Appeals must be directed to the state superintendent of public instruction.
- Local board must send regular reports to the SSRRO.

Redesign Plan Not Approved or Lack of Satisfactory Improvement

- All schools are placed in a single state-wide reform district.
- One of four models (*turnaround, restart, school closure, or transformation*) will be imposed at the beginning of the next school year.
- SSRRO will act as the superintendent of the single state-wide district.
- An imposed addendum to the collective bargaining agreement will be put in place to implement the school reform model.
- Any contractual or other seniority system that would otherwise apply will not be applicable at the affected school.
- Any contractual or other work rules that are impediments to implementing the redesign plan will not apply to the affected school.
- Unilateral changes in pay scales or benefits will not be allowed.

Appointment of CEO over Multiple Schools

- SSRRO recommends to SPI to appoint CEO to manage the multiple schools under reform.
- CEO imposes one of the four reform models (*turnaround, restart, school closure, or transformation*).
- CEO imposes addendum to collective bargaining agreements.
- Any contractual or other seniority system that would otherwise apply will not be applicable at the affected school.
- Any contractual or other work rules that are impediments to implementing the redesign plan will not apply to the affected school.
- Unilateral changes in pay scales or benefits will not be allowed.
- CEO has same powers and duties as the SSRRO.

Reform Models

- *Imposed restart model:* SSRRO or the CEO shall hire an Educational Management Organization (EMO) to operate and manage the school or schools. No collective bargaining agreement will be in effect for that building(s) at time of imposition.
- Under a *turnaround model*, any collective bargaining agreement will continue to apply with respect to pay scales and benefits, and subject to any addendum, and employees will continue to retain and accrue seniority rights.
- Limits the use of the *transformational model* so that if more than nine public schools operated by a district are on the lowest-achieving school list, the *transformation model* cannot be implemented for more than 50 percent of them.

MDE will Post on its Website

- Federal final work rules and formula for identifying the lowest achieving five percent of public schools in each state.
- List of Michigan public schools identified as being among the lowest achieving five percent.
- Requires SSRRO to annually report student improvement to Senate and House Education Committees.

Personal Curriculum

- Allows student's teacher or school counselor to request the personal curriculum (in addition to a parent).
- Personal curriculum will be developed by a group that includes student's teacher whose expertise is in the subject matter being modified.
- Student must have completed, but may not have passed, at least 1½ credits of mathematics.

Increase the Dropout Age to 18

- Begins with students who entered grade 6 after 2009 or turned 11 after December 1, 2009.
- Retains parental permission to dropout earlier.

Public Employee Collective Bargaining - Public Act 201, 2009

(House Bill 4788 - Johnson, D-Highland Park)

- Amends P.E.R.A. regarding staffing decisions in “redesigned schools.”
- If a public school is placed in the single state-wide reform district, or is placed under a CEO, then for the purposes of collective bargaining, the reform officer or CEO is the public school employer.
- A public school employer's collective bargaining duty, and a collective bargaining agreement entered into, are both subject to modifications that may be required if a school implements certain school intervention models.
- When a district is seeking privatization of services, the bargaining unit providing non-instructional support services must be given an opportunity to bid on a contract covering their services on an equal basis as other bidders.

Charter School Expansion - Public Act 205, 2009

(Senate Bill 981 - Kuipers, R-Holland)

“Schools of Excellence” (6E Charters)

- Allows for the creation and expansion of charter schools.
- Allows for a total of 10 new “Schools of Excellence” to be created until January 1, 2015.
- These schools can be authorized by local and intermediate school districts, community colleges, and public universities.
- The issuance of any contract needs to be approved by the state superintendent of public instruction.
- The first five new "schools of excellence" must be schools offering one or more high school grades (9-12).
- "Schools of excellence" cannot locate in a school district that has an average graduation rate of over 75 percent for the most recent three years.
- Schools must employ certificated teachers or appropriate university and college faculty.
- Allows for the creation of two of the ten new charter schools to be K-12 *cyber schools* that provide remote full-time instruction to previous public school students through online learning. The entities establishing them must demonstrate experience in serving urban and at-risk students through an educational model involving a significant cyber component. Enrollment is Capped to a maximum of 1,000 pupils in each school if the school maximizes pupil dropout enrollment.

Closes Failing Charter Schools

- Requires an authorizer to revoke the charter and close the school at the end of the school year if:
 - ▶ The state school superintendent notifies them that a school in operation for at least four years, is among the lowest achieving five percent of all public schools in Michigan; and
 - ▶ Is in year 2 of restructuring sanctions under NCLB.
 - ▶ This does not apply to a charter school that is an alternative school serving a special student population.

Charter School Conversion

- Allows certain charter schools to convert to "schools of excellence."
- Allows the authorizing body to replace a charter school that has been converted into a school of excellence.
- Prohibits authorizing body from placing a charter school in a school district that has an average graduation rate of over 75.5% for the last three years.
- For a K-8 school to convert:
 - ▶ At least an average of 90 percent of the students must achieve a score of proficient or better on the MEAP math and reading tests over a three-year period; or
 - ▶ In a school where at least 50 percent of students are eligible for the federal free or reduced lunch program, at least 70 percent of the students must achieve a score of proficient or better on the MEAP math and reading tests over a three-year period.
- For a high school to convert:
 - ▶ The school must have at least an 80 percent graduation rate, post 80 percent average attendance, and have at minimum an 80 percent postsecondary enrollment rate.
 - ▶ Authorizers can give priority to schools that will work toward operating all of grades 9 to 12 within six years after they begin operation.

Urban High School Academies

- Expands allowable school locations to any county with a population of at least 1,000,000 (currently Wayne and Oakland).
- Maintains limit of 15 of these special high schools. (Currently three schools are in existence.)

Charter School Expansion Election

- If a person or entity applies to a local school board for a contract to organize and operate one or more public school academies within the district boundaries and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by district voters.
- Petition signatures must equal at least 15% of the total voters in the district.

Administrator Certification

- Requires school administrators to be certified after this law goes into effect, and grandfather-in those already administering schools.

Teacher and Administrator Evaluation System

- Requires that school boards, working with teachers and school administrators, adopt and implement a rigorous, transparent, and fair performance evaluation system that:
 - ▶ Evaluates job performance at least annually while providing timely and constructive feedback;
 - ▶ Establishes clear approaches to measuring student growth and provides teachers and school administrators with relevant data on student growth; and
 - ▶ Evaluates job performance taking into account multiple rating categories with student growth as a significant factor.
- Evaluations must be used to inform decisions about the following:
 - ▶ Job effectiveness (ensuring ample opportunities to improve);
 - ▶ Promotion, retention, and development (while providing coaching, instruction support, or professional development);
 - ▶ Whether to grant tenure or full certification using rigorous standards and streamlined, transparent, and fair procedures; and
 - ▶ Removing ineffective tenured and untenured teachers and administrators (after giving ample opportunities to improve and ensuring that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures).

Compensation

- Districts, PSAs & ISDs shall implement and maintain a method of compensation for its teachers and administrators that includes job performance and job accomplishments as a significant factor in determining compensation and additional compensation.

- Assessment of job performance shall incorporate a rigorous, transparent, and fair evaluation system that evaluates performance, at least in part, based on data on student growth as measured on assessments and other objective criteria.
- This section does not apply until after the expiration of the current collective bargaining agreement, if the current collective bargaining prevents compliance.

High School Curriculum Flexibility

- Allows a student to complete algebra II over 1.5 years with 1.5 credits awarded.
- Allows a student to partially or fully fulfill the algebra II requirement by completing a formal career and technical education program, or a curriculum that has appropriate embedded mathematics content, such as a program in electronics, machining, construction, welding, engineering, or renewable energy.

Schools of Excellence - Public Act 203, 2009

(Senate Bill 926 Thomas, D-Detroit)

Appropriates any money received by Michigan from the "Race to the Top" grant program during the fiscal year ending September 30, 2010.

Cyber School's Educational Program

- Specifies that a student's participation in a cyber school's educational program is considered regular daily attendance for the purpose of state school aid reimbursement, and exempts the cyber schools from the state's minimum number of days and hours of instruction, and the minimum attendance requirements.

CEPI Data

- Requires CEPI to create and implement a teacher identifier system with the ability to match an individual teacher to their students.
- Subject to the laws governing student privacy, the system will have to:
 - ▶ Make annual state assessment records of individual students accessible;
 - ▶ Include student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P-16 education programs;
 - ▶ Include data that provides information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework.
 - ▶ Enable individual student academic achievement data, including academic growth, to be correlated to each teacher who has taught a student; and
 - ▶ Give school board members, teachers, and school administrators access to the data so they can make informed decisions in order to improve instruction and student achievement.

- Includes data that provide other information determined necessary to address alignment and adequate preparation for success in postsecondary education;
- Requires the capacity to communicate with higher education data systems.

Basic Instructional Supplies

- Requires schools to provide teachers with adequate access to "basic instructional supplies." MDE will define "basic instructional supplies" and publish on its website.
- A teacher or principal can file a claim with the department, online or by telephone, if "basic instructional supplies" are not provided.
- The department then contacts the district, and the district will have to respond within three business days--with either supplies or a corrective plan of action.
- If the department was not satisfied with the response, the department can investigate, or can withhold a portion of the total funds due the district, and use the money to provide supplies to the teacher.
- The board of a district or intermediate district shall ensure that a teacher or principal who files a claim with the department under this section is not subject to any adverse treatment for filing the claim.

Alternative Teacher Certification - Public Act 202, 2009

(House Bill 5596 - Pavlov, R-St. Clair)

- The superintendent of public instruction shall establish a process for a person to earn an interim teaching certificate that qualifies the person to teach in the public schools and to earn a Michigan teaching certificate. **The process shall not allow for an interim teaching certificate for special education.** To qualify for an interim teaching certificate, a person must:
 - ▶ Participate in an alternative teaching program approved by the state superintendent and which provides an intensive training program in teaching constituting at least 12 college credit hours, including training child development or child psychology; family and community relationships; diverse learners; instructional strategies; and a form of field-based experience in a classroom.
 - ▶ Hold a bachelor's, master's, doctorate, or professional degree from a regionally accredited college or university with a grade point average of at least 3.0 on a 4.0 scale or the equivalent;
 - ▶ Pass both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified.
- Allows an individual who possesses an interim teaching certificate to be employed to teach in a public school in the same manner as a person holding a Michigan teaching certificate.
- A person shall be granted a Michigan teaching certificate after the person has demonstrated satisfactory teaching performance for 3 years under an interim teaching certificate and has met the requirements established by the superintendent of public instruction for a Michigan teaching certificate.

Excerpt from the Federal Race to the Top Application
November 2009

SCHOOL INTERVENTION MODELS
(Appendix C in the Notice of Final Priorities, Requirements, Definitions, and Selection Criteria; and in the Notice Inviting Applications)

There are four school intervention models referred to in Selection Criterion (E)(2): turnaround model, restart model, school closure, or transformation model. Each is described below.

(a) **Turnaround model.** (1) A turnaround model is one in which an LEA must--

(i) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;

(ii) Use locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students,

(A) Screen all existing staff and rehire no more than 50 percent; and

(B) Select new staff;

(iii) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;

(iv) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(v) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA or SEA, hire a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;

(vi) Use data to identify and implement an instructional program that is research-based and "vertically aligned" from one grade to the next as well as aligned with State academic standards;

(vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;

(viii) Establish schedules and implement strategies that provide increased learning time (as defined in this notice); and

(ix) Provide appropriate social-emotional and community-oriented services and supports for students.

(2) A turnaround model may also implement other strategies such as--

(i) Any of the required and permissible activities under the transformation model; or

(ii) A new school model (*e.g.*, themed, dual language academy).

(b) **Restart model.** A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides "whole-school operation" services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.

(c) **School closure.** School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.

(d) **Transformation model.** A transformation model is one in which an LEA implements each of the following strategies:

(1) Developing and increasing teacher and school leader effectiveness.

(i) Required activities. The LEA must--

(A) Replace the principal who led the school prior to commencement of the transformation model;

(B) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that--

(1) Take into account data on student growth (as defined in this notice) as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high-school graduations rates; and

(2) Are designed and developed with teacher and principal involvement;

(C) Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high-school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(D) Provide staff with ongoing, high-quality, job-embedded professional development (*e.g.*, regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies; and

(E) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school.

(ii) Permissible activities. An LEA may also implement other strategies to develop teachers' and school leaders' effectiveness, such as--

(A) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school;

(B) Instituting a system for measuring changes in instructional practices resulting from, professional development; or

(C) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher's seniority.

(2) Comprehensive instructional reform strategies.

(i) Required activities. The LEA must--

(A) Use data to identify and implement an instructional program that is research-based and "vertically aligned" from one grade to the next as well as aligned with State academic standards; and

(B) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.

(ii) Permissible activities. An LEA may also implement comprehensive instructional reform strategies, such as--

(A) Conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;

(B) Implementing a school wide "response-to-intervention" model;

(C) Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;

(D) Using and integrating technology-based supports and interventions as part of the instructional program; and

(E) In secondary schools--

(1) Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement or International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low-achieving students can take advantage of these programs and coursework;

(2) Improving student transition from middle to high school through summer transition programs or freshman academies;

(3) Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills; or

(4) Establishing early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.

(3) Increasing learning time and creating community-oriented schools.

(i) Required activities. The LEA must--

(A) Establish schedules and implement strategies that provide increased learning time (as defined in this notice); and

(B) Provide ongoing mechanisms for family and community engagement.

(ii) Permissible activities. An LEA may also implement other strategies that extend learning time and create community-oriented schools, such as--

(A) Partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs;

(B) Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;

(C) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; or

(D) Expanding the school program to offer full-day kindergarten or pre-kindergarten.

(4) Providing operational flexibility and sustained support.

(i) Required activities. The LEA must--

(A) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and

(B) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).

(ii) Permissible activities. The LEA may also implement other strategies for providing operational flexibility and intensive support, such as--

(A) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or

(B) Implementing a per-pupil school-based budget formula that is weighted based on student needs.

If a school identified as a persistently lowest-achieving school has implemented, in whole or in part within the last two years, an intervention that meets the requirements of the turnaround, restart, or transformation models, the school may continue or complete the intervention being implemented.

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LOBBY DAY 2010 WEDNESDAY, MARCH 17

**Lansing Center
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**COACH TRANSPORTATION FROM
DETROIT AREA AND NORTHERN MICHIGAN**

Watch for details at: www.aftmichigan.org