

# Provisions of the Kids First! Yes! Ballot Proposal



## Citizens Research Council of Michigan

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The first proposal to be certified for the November 7, 2000, statewide ballot is the result of petitions circulated by Kids First! Yes! It would amend Article VIII of the 1963 Michigan Constitution. Citizens Research Council of Michigan is preparing an analysis of the proposal. What follows is 1) a summary of the provisions of the proposal, and 2) the actual language of the proposed amendment.

## Provisions of Kids First! Yes! Proposal

### What the Proposal Would Do.

The proposal would amend the Constitution in five ways:

1. **Remove general prohibition against indirect aid.** The proposal would remove the general prohibition against action by the legislature or subdivision of the state or other state agency to provide indirect aid to private, denominational, or other nonpublic schools.
2. **Remove specific prohibitions against certain forms of aid.** The proposal would remove the specific prohibitions against—
  - Payments
  - Credits
  - Tax benefits, exemptions, or deductions
  - Tuition vouchers
  - Subsidies
  - Grants
  - Loans of public property or money

to support the attendance of any student or the employment of any person in any nonpublic school.

3. **“Section 10” Vouchers.** The amendments to Section 2 call for a program of educational choice, set out in Section 10, to be implemented by law, in which pupils resident in either a “qualified” district or an “approving” district could receive vouchers for “actual elementary and secondary school tuition to attend a nonpublic elementary or secondary school.”

Qualified school districts have a four-year graduation rate of less than two-thirds as reported by the Department of Education for the 1998-99 school year as certified by the Superintendent of Public Instruction.

Approving school districts are those that adopt an educational choice by—

a vote of the elected school board, or

a vote of the electors as the result of initiative petitions signed by a number of registered electors, not less than 10 percent of the total number of electors casting ballots for school board at the last preceding election at which members of the school board were elected.

Vouchers called for in Section 10 are to be limited to the lesser of—

- a) one-half the average per-pupil state-local public school operating revenue in the preceding fiscal year, or
- b) actual tuition paid per pupil at a nonpublic elementary or secondary school.

The voucher amount may be supplemented for pupils requiring special education services.

Before the end of each calendar year, the State Treasurer is to certify the average per-pupil state-local operating revenue for the fiscal year concluding in that calendar year.

4. **Funding Guarantee.** The proposal would require the state to guarantee that total state-local per-pupil operating revenue for each district, as adjusted for consolidations, annexations, and boundary changes shall not be less than in FY2001, provided that the district does not levy an operating millage less than it levied in 2000.
5. **Teacher Testing.** Subject to the provisions of Article I, Section 4, of the Michigan Constitution (religious liberty), the legislature is to provide for regular testing of the knowledge of academic subjects of teachers in public schools and in nonpublic schools that redeem vouchers under Section 2.

## Language of Proposal.

The Kids First! Yes! Proposal would amend Section 2 of Article VIII and add a Section 10 to Article VIII of the Michigan Constitution. The language of the proposal is as follows (deleted language lined out, new language in caps):

### Local Option and Qualified District Voucher

#### Article VIII, Section 2

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. ~~No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students.~~ The legislature may provide for the transportation of students to and from any school.

#### Teacher Testing

SUBJECT TO THE PROVISIONS OF SECTION 4 OF ARTICLE I, THE LEGISLATURE SHALL PROVIDE FOR REGULAR TESTING OF THE KNOWLEDGE IN ACADEMIC SUBJECTS OF TEACHERS IN PUBLIC SCHOOLS AND IN NONPUBLIC SCHOOLS WHICH REDEEM TUITION VOUCHERS UNDER THIS SECTION.

#### Qualified Schools and Local Option Tuition Voucher

SUBJECT TO THE PROVISIONS OF SECTION 10, UNDER PROCEDURES ESTABLISHED BY LAW, QUALIFIED SCHOOL DISTRICTS AND ANY APPROVING SCHOOL DISTRICT SHALL PARTICIPATE IN AN EDUCATIONAL CHOICE PROGRAM TO PERMIT ANY PUPIL RESIDENT IN THE DISTRICT TO RECEIVE A VOUCHER FOR ACTUAL ELEMENTARY AND SECONDARY SCHOOL TUITION TO ATTEND A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL.

#### School District Per Pupil Funding Guarantee

BEGINNING IN THE 2001-2002 STATE FISCAL YEAR, THE STATE SHALL GUARANTEE THAT THE TOTAL STATE AND LOCAL PER PUPIL REVENUE FOR SCHOOL OPERATING PURPOSES FOR EACH LOCAL SCHOOL DISTRICT, AS ADJUSTED FOR CONSOLIDATIONS, ANNEXATIONS, AND BOUNDARY CHANGES, SHALL NOT BE LESS THAN IN THE 2000-2001 STATE FISCAL YEAR; PROVIDED THE SCHOOL DISTRICT DOES NOT LEVY A MILLAGE RATE FOR SCHOOL DISTRICT OPERATING PURPOSES LESS THAN IT LEVIED IN 2000.

### SECTION 10

SEC. 10. THE PROVISIONS OF THIS SECTION SHALL APPLY TO SECTION 2 OF THIS ARTICLE.

THE TUITION VOUCHER ESTABLISHED IN SECTION 2 SHALL BE LIMITED TO THE LESSER OF ONE-HALF THE AVERAGE PER-PUPIL STATE AND LOCAL REVENUE FOR OPERATING PURPOSES IN PUBLIC SCHOOLS IN THE PRECEDING FISCAL YEAR OR THE ACTUAL TUITION PAID PER PUPIL AT A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL. THE TUITION VOUCHER MAY BE SUPPLEMENTED FOR PUPILS WHO REQUIRE SPECIAL EDUCATION SERVICES.

THE STATE TREASURER SHALL, BEFORE THE END OF EACH CALENDAR YEAR, CERTIFY THE AVERAGE PER-PUPIL STATE AND LOCAL REVENUE FOR OPERATING PURPOSES IN PUBLIC SCHOOLS FOR THE FISCAL YEAR CONCLUDING IN THAT CALENDAR YEAR.

A QUALIFIED SCHOOL DISTRICT IS A DISTRICT THAT HAD A FOUR-YEAR GRADUATION RATE OF LESS THAN TWO THIRDS AS REPORTED BY THE DEPARTMENT OF EDUCATION FOR THE 1998-1999 SCHOOL YEAR, AS CERTIFIED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

A SCHOOL DISTRICT MAY APPROVE THE EDUCATIONAL CHOICE PROGRAM BY VOTE OF THE ELECTED SCHOOL BOARD OR OF THE ELECTORS IN THE SCHOOL DISTRICT, WHO SHALL HAVE THE RIGHT OF INITIATIVE TO INVOKE THE INITIATIVE, PETITIONS SIGNED BY A NUMBER OF REGISTERED ELECTORS, NOT LESS THAN TEN PERCENT OF THE TOTAL NUMBER OF ELECTORS CASTING BALLOTS FOR SCHOOL BOARD AT THE LAST PRECEDING ELECTION AT WHICH MEMBERS OF THE SCHOOL BOARD WERE ELECTED, SHALL BE REQUIRED.

THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE IMPLEMENTATION OF THIS SECTION.



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