A compilation of articles that appeared in the publication Stateline Midwest in 2021 on policies related to education and workforce development
**RISE OF SCHOOL-BASED MENTAL HEALTH**

Increasingly, states are looking for ways to bring these services to students, and encourage partnerships with local providers who can deliver specialized care.

By Tim Anderson (tanderson@csg.org)

In one Cleveland suburb, district, licensed psychologists are regularly visiting schools and delivering clinical levels of care to students. Hundreds of miles away, in the southern part of the state, a small district is converting part of its board offices (located on the same campus as its school) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a small district is converting part of its board offices (located on the same campus as its school) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center. There, young people will get access to an school-based health center. There, same campus as its schools) into a school-based health center.

Nonacademic, wraparound services to students. “As much as we like to say the education system is about academics, the reality is that those issues of student wellness are tremendously important to enabling a successful academic experience,” Ohio Superintendent of Public Instruction Paolo DeMaria says. “If children come to school hungry, or can’t see the whiteboard, or have a high level of trauma or stress, they’re not going to be in a position to be educated.” Mental health, above all other types of eligible services, is what schools targeted for support through Ohio’s new Student Wellness and Success Fund. That choice is not surprising, DeMaria says, considering what he has heard from school administrators, teachers and parents on listening tours across the state. And that was before the potential impacts of the COVID-19 pandemic on the mental health of people of all ages. Across the country, “there was a ton of activity, pre-COVID, around state actions to support mental health and schools,” says Alex Mays, senior national program director for the Healthy Schools Campaign. If anything, circumstances of the past year will only heighten this activity.

“For a variety of reasons, the education sector is increasingly seeing its role as supporting the mental health of students and staff,” says Dr. Sharon Hoover, co-director of the National Center for School Mental Health. “At the same time, we see the behavioral health sector recognizing schools as an important venue for service provision. We also have more and more examples of how to structure those services and get reimbursed for them in the school setting.”

**POLICY OPTIONS FOR STATES**

Hoover points to a number of state-level, school-centered policies and investments that can help young people. One strategy is to improve mental health literacy among students. “Just like we’d want young people to know about their physical health and nutrition as part of health education, we want them to understand mental health — how do you obtain provision. We also have more examples of how to structure those services and get reimbursed for them in the school setting.”

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NEW FUNDING MECHANISMS HELP SCHOOLS BECOME HUBS OF MENTAL HEALTH SERVICE

and maintain positive mental health," Hoover says.

Some states (New York and Virginia) have begun requiring mental health education as a part of the school curriculum, and Illinois was the first U.S. state to adopt standards for social emotional learning.

Another option for states is to set a goal or requirement for the number of school-employed psychologists, social workers, counselors and nurses per student. (The ratio in nearly all states is currently below recommended levels.)

“Those staff are critical to providing universal mental health prevention and supports in the schools, and that can reduce the needs for higher levels of care," Hoover says.

“It’s not just looking immediately at what community providers we can bring in to the school."

INCENSE IN SCHOOL-PROVIDER PARTNERSHIPS

That kind of outside help, though, can be essential, especially in delivering specialized, higher-level care to students. Many of the new state-funded initiatives in Ohio, for example, involve partnerships between the schools and local providers.

Minnesota has one of the Midwest’s longest-running, comprehensive programs. Its grants for school-linked mental health services date back to 2001; they bring practitioners into the school building for direct care and treatment, assessments of student needs, and training of staff.

Separately, Minnesota has a "safe school levy," a provision in state law that permits local districts to collect property taxes for specific purposes, including the hiring of licensed school counselors, nurses, psychologists and social workers, as well as contracting with mental health professionals. Sen. Greg Clausen, a leading legislative advocate of school-based mental health, traces his interest in the issue back to his past experience as a school principal and administrator.

“There were a number of students where you saw the need, and there was a frustration that we didn’t have a lot of services we could provide," Clausen says. “And then when we tried to go outside the school, it was, ‘Well, we can get you in in three months.’ It really provided the spark that we needed to do something.”

According to Mays, who tracks state activity across the country for the Healthy Schools Campaign, Michigan has emerged as a leader in recent years on school-based mental health — for example, appropriating $31 million for schools to bring in licensed behavioral health providers and changing the state’s Medicaid program so that it can cover services for general-education students (those who don’t have an individualized education plan).

“That change in Medicaid policy, she says, “adds, is needed specifically for services being provided by school-employed staff. (Outside mental health providers already can be reimbursed.) According to Hoover, a variety of funding streams are now available to provide for school-based mental health, including new federal grants, greater flexibility in public and private insurance plans, and programs being developed by the states themselves. Ohio’s $675 million Student Wellness and Success Fund is a case in point.

“Maybe 10 years ago, you would have heard the argument, ‘This is not what schools ought to be about,’” DeMaria says. “Not anymore.”

MIDWEST

MENTAL HEALTH AND YOUNG PEOPLE

7.1% | % OF 3- TO 17-YEAR-OLDS WITH DIAGNOSED ANXIETY

3.3% | % OF 3- TO 17-YEAR-OLDS WITH DIAGNOSED DEPRESSION

7.4% | % OF 3- TO 17-YEAR-OLDS WITH DIAGNOSED BEHAVIOR PROBLEM

47.1% | % INCREASE IN NUMBER OF SUICIDES AMONG 10- TO 24-YEAR-OLDS OVER PAST DECADE

Source: U.S. Centers for Disease Control and Prevention

EXAMPLES OF STATE ACTIONS IN MIDWEST TO BOLSTER SCHOOL-CENTERED MENTAL HEALTH POLICIES

To improve early detection of student needs, school-entry health exams in ILLINOIS must include screenings for social and emotional well being (SB 565 of 2017). Illinois also was the first U.S. state to adopt standards for social emotional learning.

Under a 2019 law (SB 325), INDIANA has begun offering grants for schools to develop plans that help students in need of mental health services. These plans (developed with parental involvement and consent) can include school-based or outside services.

IOWA’s top school official is helping lead that state’s first-of-its-kind, stand-alone Children’s Mental Health System. Created two years ago (HF 680) to close gaps in access and improve services, this system is overseen by a state board, with the Department of Education director serving as one of two standing co-chairs.

Legislative appropriations in KANSAS in recent years have led to the creation of mental health intervention teams in select school districts. School liaisons and clinical therapists in the community work on these teams; they help identify students in need and connect them to appropriate services.

According to Alex Mays of the Healthy Schools Campaign, MICHIGAN is a national leader on school-based mental health, noting it was one of the first U.S. states to have such services covered by Medicaid. This year, too, legislators dedicated nearly $37 million for mental health services in schools.

More than a decade ago, MINNESOTA launched the groundbreaking School-Linked Mental Health Services Program. Along with bringing clinical-level care to schools, the program helps identify children with serious mental health needs.

A bill introduced this year in NEBRASKA (LB 87) would dedicate a portion of lottery proceeds to grants that train teachers and other school personnel in mental health first aid. The goal: Ensure students in crisis get immediate help, and get connected to appropriate services in the community.

In recent years, NORTH DAKOTA has started and expanded a prevention and early intervention program in the schools. The pilot initiative helps schools integrate behavioral health strategies into existing educational and support systems for students.

OHIO is investing a historic amount of state dollars this biennium on student wellness. The $675 million Student Wellness and Success Fund goes to projects developed by local schools. That includes new school-based mental health services and partnerships with community providers.

ACROSS SASKATCHEWAN, at least one staff member in every school will receive training this year on “mental health first aid” — for example, recognizing symptoms of students in crisis, providing initial assistance and connecting them with professional care. Saskatchewan is spending $400,000 on this training.

In SOUTH DAKOTA, as part of the state’s Project AWARE initiative, system of care coordinators are forging new relationships between local school districts and the state’s community mental health centers. These coordinators help assess student needs and develop action plans.

Students in WISCONSIN are being empowered to recognize the warning signs of depression and suicide among their peers, and then offer evidence-based supports. State funding for peer-to-peer training is the result of last year’s passage of AB 528. Wisconsin high schools can now apply for state grants.
BIG FUNDING BOOST FOR SCHOOLS

With state finances strong, Michigan closes ‘equity gap’ and Ohio enacts new aid formula; challenges for states remain in adequately funding supports for at-risk students

by Tim Anderson (tanderson@csg.org)

For many years, Michigan legislators have been chipping away at a persistent disparity in how the state’s schools are funded. It is known as the “equity gap”; higher-wealth districts with greater amounts of per-pupil spending than those of their lower-wealth counterparts. Though in part the legacy of an old system largely reliant on local property taxes, the gap continued long after enactment of a new funding model (added to the state Constitution in 1994) that had the state take over the funding of school operations.

This year, with Michigan’s fiscal health strong, a bipartisan budget agreement was reached to spend $723 million to finally close that gap, a big difference. Yes, the problem was acute in northern Michigan and the Upper Peninsula, but you also see the gap across the state, including Detroit Public Schools. Closing it means we have to spend their share has been so overwhelming that it’s taken up everyone’s time on school funding,” Griffith says. “It’s been a priority of mine since I got in the Legislature,” says Sen. Wayne Schmidt, a state legislator since 2009 who represents a part of Michigan with some of those traditionally lower-funded schools.

“Coming up with plans and recommendations on how to spend their share has been so overwhelming that it’s taken up everyone’s time on school funding,” Griffith said. “It’s been a priority of mine since I got in the Legislature,” says Sen. Wayne Schmidt, a state legislator since 2009 who represents a part of Michigan with some of those traditionally lower-funded schools.

A year ago, few would have predicted that Michigan would be in a strong enough fiscal position to close that gap as early as 2021. Amid a collapsing state and national economy at the onset of the COVID-19 pandemic, Schmidt says, the talk had been of potential cuts in school funding. “As quickly as some of our revenues were drying up, we saw some rebounds later on that were beyond our beliefs,” he says.

Michael Griffith, a senior researcher and policy analyst for the Learning Policy Institute, says it’s been a roller-coaster period across the country for school funding and related state policies. First, there were big fears about the pandemic’s impact on school finances, but what followed was an economic recovery and an unprecedented federal relief package. The American Rescue Plan Act alone sets aside $123 billion for states and school districts to spend on education between now and 2026. (Michigan is using own-state funding to close the equity gap.)

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One state that seemingly got a head start is Ohio.

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As in Michigan, legislators in Ohio are putting more money into K-12 schools, an increase of 8.7 percent this biennium, according to Gov. Mike DeWine. And the General Assembly also tackled a pre-pandemic priority for many Ohio school administrators and legislators: an overhaul of the school funding formula. Enactment of HB 110 marked the culmination of years of work in developing what’s known as the “Fair School Funding Plan,” says Kate Johnson, deputy executive director of the Ohio Association of School Business Officials.

Yes, improved fiscal conditions helped get this funding overhaul to the finish line. But Johnson says the real key to success was the process established from the start by two legislators, one Republican (Rep. Bob Cupp, now speaker of the House) and one Democrat (Rep. John Patterson, since term-limited out of office).

“They were committed to it being a bipartisan effort, and they brought in a working group of practitioners, local superintendents and school treasurers, at the very beginning in order to develop the plan,” Johnson says. “That was the key. They all rolled up their sleeves and dug into the details, and developed the formula together.”

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Michael Griffith, senior researcher and policy analyst, Learning Policy Institute

3 NOTABLE REFORMS IN OHIO

Johnson points to three fundamental changes in Ohio’s new funding formula.

First, she says, it better accounts for the actual costs of providing an education and making that the basis of the state’s statutory per-pupil funding levels. For example, how much must a district spend on special education, librarians, counselors (guidance counselors, librarians, etc.)? The old model did not address those kinds of questions in any kind of rational or systematic way, Johnson says. In contrast, the new one does.

To determine each district’s “base costs,” the formula uses factors such as student-to-staff ratios; the average statewide salaries of teachers and other school employees (from superintendents on down); and each district’s expenses related to technology, building operations and employee benefits.

Secondly, legislators crafted a new way of “equalizing” state funding, a way to ensure lower-wealth districts receive more money from the state in order to reach per-pupil funding levels that cover their base costs. Two factors now will be used to determine the relative wealth of each district: property values and the income levels of residents.

If the school funding formula is fully implemented over the next six years, the average per-pupil funding level in Ohio will reach $7,200. That compares to $6,000 during the last school year, according to the Thomas B. Fordham Institute.

Johnson says the third big change involves the funding of charter schools and scholarship programs for students to attend private schools. The state now will directly provide these dollars, rather than the previous approach of deducting a portion of the aid going to local public school districts.

“IS YOUR SYSTEM BALANCED?”

In every state, in every legislative year, the funding of K-12 schools is a high priority for lawmakers. It makes up more than one-third of state general-fund spending. according to the National Association of State Budget Officers.

Though exactly how schools are funded can vary considerably from state to state (local vs. state, share of the funding formulas, etc.), Griffith says there are some underlying principles that should guide all legislatures.

“Are you taking care of everyone?” he asks. “Is your system balanced so that every kid gets an adequate education?”

He notes that in his home state of Colorado, the property value of a single home in the town of Aspen can be equal to the property value of entire districts.

“If a state, then, you’re getting the balance right when you have a school district like Aspen cavingen almost all funding itself, and then you’re devoting the state dollars to boost up the low-wealth districts,” he says. “Because there are places that just don’t have any wealth, and they are struggling.”

The new formula in Ohio and a closing of the equity gap in Michigan are examples of states trying to find a better balance in school funding. That work is far from done. In Ohio, for example, it remains to be seen whether the legislature can or will fully implement the Fair School Funding Plan over the next six years. HB 110 only commits to using the new formula for the next two years, and more state dollars will be needed in future budgets to reach the average spending level of $7,200 per pupil.

According to Michigan State University professor David Arsen, Michigan’s foundation formula for schools has long failed to recognize the cost of providing an adequate education, or to account for the variance in these costs across districts — greater transportation expenses in rural areas, for example, or the additional resources needed in schools with larger numbers of English language learners, special education students, or young people at risk of falling behind or failing.

Outside its unweighted foundation formula, Michigan does provide additional financial supports for higher-need schools and students, and its recently enacted education budget includes new money for school-based mental health programs as well as for districts to hire additional counselors, psychologists, nurses and social workers.

Lastly, more money will go to Michigan’s Great Start Readiness Program, a preschool initiative for 4-year-olds who are from lower-income families or who are at risk of school failure (due to neglect, a diagnosed disability, a developmental delay or other factors). Gov. Whitmer says the program can now expand to enroll 22,000 more children, ensuring preschool access to all who qualify.

In Ohio, extra aid goes to schools based on their number of district student populations; gifted, low-income, special needs and English language learners.

What’s new in HB 110 is dedicated funding in the formula for districts to provide physical and mental health services, after-school programming and family supports.

MULTIPLE NEEDS, WEIGHTS

Looking ahead, Griffith expects states across the country to focus more on better serving at-risk students, that means clearly defining what “at risk” means, better identifying students in need of additional supports, and then providing adequate levels of funding.

“What I’m starting to talk to states about, you think about at-risk, think about it as levels,” he says. “So maybe you have a general at-risk student, but then you’re going to provide more resources for kids with higher levels of need. Take, for example, foster youths experiencing homelessness or migrant student populations.

“They’re going to require all the wrap-around services. You have kids where the school is worried about finding them shelter for the night, or getting them food services.”

The way a state funds its schools, he adds, goes a long way in determining whether these students receive the supports and services that put them on a path toward educational success.

“My hope is that [legislators] will look at the research out there and then change at-risk funding accordingly, so that they do not have a single weight for ‘at-risk’ but instead multiple weights based on student needs,” Griffith says.
FIRST PERSON: EMPOWERING LOW-INCOME CHILDREN WITH HIGH-QUALITY EARLY LEARNING OPPORTUNITIES

‘Minnesota model’ combines use of scholarships, Parent Aware rating system

On the flip side, research from the Eunice Kennedy Shriver Institute of Child Health and Human Development shows that low-quality programs not only don’t produce a high return on investment, they can actually set vulnerable children backward. Fortunately, high-quality child care can come in many shapes and sizes. When we have programs that best practices can be adopted in homes, schools, centers or churches. That’s great news, because parents want and need the ability to choose the setting that is right for their family. As a former teacher, I have seen the impact of high-quality child care first hand. I think of a kindergartner who did not know how to open a book to read, opening it with the spine on the right. You don’t see that with children who have experienced a high-quality program. I am a firm believer that the first and most important teacher in a student’s life is the parent. But many parents from all walks of life are working full time and need assistance; quality programs provide the help that they and their young children need. So, when I think about child care, what I think about is adequately preparing young children to enter school. What should that look like?

The highest returns on investment occur if it goes to high-quality programs that are successfully preparing low-income children for kindergarten. The Minnesota model shows that low-quality programs actually set vulnerable children backward. Fortunately, high-quality child care can come in many shapes and sizes. When we have programs that best practices can be adopted in homes, schools, centers or churches. That’s great news, because parents want and need the ability to choose the setting that is right for their family. As a former teacher, I have seen the impact of high-quality child care first hand. I think of a kindergartner who did not know how to open a book to read, opening it with the spine on the right. You don’t see that with children who have experienced a high-quality program. I am a firm believer that the first and most important teacher in a student’s life is the parent. But many parents from all walks of life are working full time and need assistance; quality programs provide the help that they and their young children need. So, when I think about child care, what I think about is adequately preparing young children to enter school. What should that look like?

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Dyslexia is a learning disability characterized by difficulties with accurate or fluent word recognition and by poor decoding abilities. The disorder is the most common learning disability that affects reading and writing.

Science shows us that good reading skills are the basis for future academic or professional success. Study after study also indicates how important it is to intervene early on. Researchers have found that it is easier to help struggling readers in kindergarten and first grade than later on, and that struggling readers need help early and often. The sooner they get the help, the better off they will be. But while more than two-thirds of states already have programs in place to identify children who show signs of dyslexia, Michigan law barely mentions dyslexia at all.

In the year 2021, having no statewide strategy to screen and treat dyslexia is simply unacceptable. That is why, alongside several of my Republican and Democratic colleagues in the Michigan Senate, introduced legislation last year that would finally do something to fix that. Michigan Senate Bills 1172–1175 would have provided much-needed steps to address dyslexia early on in a student’s schooling.

Under the legislation, educators would have been adequately trained to understand dyslexia, to identify students who are struggling with learning the code, and to teach these students to break the code. A five-member advisory committee of individuals who understand the struggle firsthand would have employed their experiences and knowledge to develop a dyslexia resource guide. Other bills in the legislative package would have required school districts to screen children each year from kindergarten through third grade for reading difficulties using a universal screening assessment. If the assessment indicated that a child was experiencing difficulty learning to decode, the school district would have to provide a multi-tiered system of support.

Legislation would also have required our state’s teacher-preparation institutions to offer instruction on the characteristics of dyslexia, the consequences of dyslexia, evidence-based interventions, and methods to develop a classroom infrastructure that meets the needs of these students. The Michigan Department of Education would have provided schools with “instructional methods and curriculum resources” that work for students with dyslexia by the 2023-24 school year.

All in all, this package of bills would have offered the first comprehensive statewide strategy to help students struggling with dyslexia. It is a strategy that is long overdue. In developing the bills, we worked with experts in the field, including Lauren A. Katz, one of the founders of the Literacy, Language, and Learning Institute at Ann Arbor, Mich. Dr. Katz said the legislation has far-reaching potential. “Michigan children, no matter where they live or how much money their parents have, will receive instruction and intervention that is grounded in cognitive science,” Katz said of the bills. “And they will receive this instruction and intervention early — during a critical window of time, before negative consequences have kicked in.”

Nikola Vitti, superintendent of the Detroit Public Schools Community District, said in a statement that “these proposed bills are the most promising K-12 reform-minded legislation I have seen since being superintendent in Detroit.” Vitti is another advocate, like me, who has personally experienced dyslexia.

While we may not agree on everything, we can at least agree on the need to give every student the opportunities they deserve. Together we can make a real difference for the most vulnerable.

I have made it my mission to work with whoever I can to stand up for the forgotten. If there is anyone who needs to be remembered, empowered and emboldened in our school systems, it is students with dyslexia.

While we missed a great opportunity to pass meaningful reform last year, I will be reintroducing this legislation again this term, because these students need help now. There is a long way to go to get dyslexia reforms passed, at least in our state. But I am optimistic that we will get it done.

With support from parents who want the best education for their kids, teachers who want to learn how to better serve students and leaders who are willing to make a difference, there is nothing we can’t accomplish.
FIRST PERSON: TEACHING ABOUT THE HOLOCAUST IS HOW WE CAN PREVENT IT FROM HAPPENING AGAIN

Wisconsin lawmaker’s haunting visit to Dachau led to bill that is now law

by Wisconsin Sen. Alberta Darling (Sen.Darling@legis.wisconsin.gov)

In some trips, you bring back memories and souvenirs. When I visited Germany years ago, I brought back a lot more.

During my visit, I made a trip to the Dachau concentration camp, which is about 10 miles outside of Munich. Dachau was the Nazis’ longest-operating camp and housed more than 200,000 prisoners from March 1933 to April 1945. Thousands of Jewish and other prisoners were murdered there. I still struggle with that visit. I remember not wanting to make eye contact with other people there. I remember thinking, “How could this happen?”

But the image that still haunts me is a picture at Dachau of a mom with a small child. The baby couldn’t have been much more than 5 years old and looked at his mother with the trust any child would have.

It makes me cry to think about the mother having to be strong for her baby and knowing what would happen next. It is heartbreaking. That memory will always be with me.

IMPETUS FOR LEGISLATION: TRUTH AND KNOWLEDGE ABOUT PAST

A few years ago, I ran into my friend and constituent, Bev Greenberg. She told me about a nationwide movement to guarantee the teaching of the Holocaust in our schools. What she shared was shocking: Polls showed that two-thirds of American millennials surveyed could not identify Auschwitz. Twenty-two percent of millennials said they hadn’t heard of the Holocaust or weren’t sure whether they had heard of it — twice the percentage of U.S. adults who said the same. We can’t expect kids to know better if no one is teaching them the truth about what happened during the Holocaust.

While we couldn’t get every student in Wisconsin on a plane to see first-hand what I saw in Dachau, I knew we had to do something about this knowledge gap. I began working on legislation that adds Holocaust education to the model academic standards for social studies. In addition, it guarantees that Wisconsin students learn about the Holocaust at least once during middle school and once during high school. I’m a former teacher, so I know how important repetition is to learning.

As a lawmaker, I had some initial concerns about the potential cost of this new mandate on schools. Those concerns were short-lived.

In Wisconsin, we are blessed to have the amazing Nathan and Esther Pelz Holocaust Education Resource Center in Milwaukee.

It is an incredible resource, and the center agreed to provide the materials, programming and professional development necessary to meet our requirement on Holocaust education at no additional costs to schools.

Over the past few months, the center has built a comprehensive website that includes more than 140 lesson plans (with even more in development) for schools to use freely of charge.

We introduced the bill (2019 SB 744) in January 2020 with bipartisan support and held two packed public hearings. Students, teachers and Holocaust survivors came to Madison to testify. Some of their stories were incredible.

COMPPELLING TESTIMONY FROM A HOLOCAUST SURVIVOR

My friend Rep. Jim Plumer, author of our companion bill on Holocaust education (AB 816), told the story of how his father served in World War II and helped liberate a concentration camp.

Jon’s dad never told those stories until they were sharing a beer together and his dad opened up. It was the first time that Rep. Plumer saw his father cry.

One of the most compelling speakers at our legislative hearings was my friend Eva Zaret.

Eva is a Holocaust survivor, and one of the most positive and uplifting people I have ever met. Telling her story is Eva’s passion now.

She was just a child when the Nazis took her father away and shot him. (You can learn more about how Eva escaped the Holocaust and the Hungarian Revolution of 1956 at the Holocaust Center of Milwaukee’s website: holocaustcentermilwaukee.org.)

Eva is one of the few people who can tell the story of the Holocaust from a first-hand perspective. Unfortunately, there are fewer and fewer Holocaust survivors each year, and that makes this legislation more urgent.

I knew we were running out of time, but what I didn’t know was that soon, everything would stop. Shortly after the bill received unanimous support in the Wisconsin State Assembly, the COVID-19 pandemic hit, and our legislative session ended early. I wasn’t sure we would get another shot. Thankfully, we did. In February of this year, I introduced the bill (SB 669) again with more than 70 co-sponsors from both sides of the aisle.

Once again, we heard the moving stories of students, teachers and Holocaust survivors. Only this time, they were told and heard virtually.

The impact was the same.

INSTRUCTION WILL LEAVE A LASTING, POSITIVE IMPACT

Our bill passed unanimously in both houses and was signed into law by Gov. Tony Evers on April 29 at the Milwaukee Jewish Federation.

It truly was a group effort to pass this important bill into law. We couldn’t have gotten this far without amazing people like Bev Greenberg, Eva Zaret and an unnamed woman and child who paid the ultimate price for their faith.

I’m optimistic that Holocaust education will do more than teach about the past. I believe it will foster empathy and understanding for different people and cultures. We can’t let the horrors of the Holocaust be repeated.

Sen. Alberta Darling was first elected to the Wisconsin Assembly in 1990 and has been a member of the state Senate since 1992. Sen. Darling is a 1995 graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development.

This memorial sculpture by Holocaust survivor Nandor Glid (erected in 1968) is seen by visitors to the site of the Dachau concentration camp. Wisconsin Sen. Alberta Darling visited the site prepared her to sponsor legislation ensuring that the Holocaust is taught to the state’s K-12 students.

“Holocaust education will do more than teach about the past. It will foster empathy and understanding for different people and cultures.”

SUBMISSIONS WELCOME

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the Midwestern Legislative Conference. Responses to any content on this page are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.
Collin’s Law mixes stiffer penalties with comprehensive anti-hazing campus plan

stop hazing on college campuses and prevent other families from losing loved ones. Together with my colleague, Sen. Theresa Gavarone, we worked with a wide range of stakeholders on crafting and refining a bill called “Collin’s Law.” Along the way, we heard and learned from prosecutors, police, university leaders, the North American Interfraternity Council (representing 58 national fraternities), and the National Panhellenic Conference (representing 26 national sororities).

The end result: SB 126, legislation that was signed into law earlier this year and that has the potential to make Ohio a national leader in anti-hazing reform.

ENDING THE HAZING CULTURE

Collin’s Law contains a more strict set of criminal penalties that will help to curb hazing culture by deterring individuals and organizations. Under SB 126, an instance of hazing resulting in serious physical harm is now a third-degree felony, and the criminal penalty for recklessly participating in or permitting hazing is now a second-degree misdemeanor.

In addition, we now have new reporting requirements for school administrators and employees, faculty members and others. For them, the failure to report a hazing incident is a fourth-degree or a first-degree misdemeanor (a more serious charge occurs if the hazing incident caused serious physical harm). We also have directed our chancellor of the Ohio Department of Higher Education to develop a statewide plan for preventing hazing.

This plan will have two critical components. One is new guidelines for anti-hazing education and training on our college campuses for students, school administrators and faculty, as well as organizations recognized by, or operating under the sanction of, an institution. Two, the chancellor will develop a model anti-hazing policy and distribute it to all institutions of higher education in Ohio.

In turn, each of these institutions must have its own anti-hazing policy in place. Use of the chancellor’s model policy is one option. All student organizations will receive the policy, which will be posted on a university’s website. These schools also will provide students with an online or in-person educational program on hazing.

Taken together, our new statewide plan emphasizes the importance of hazing-prevention education, intervention strategies, accountability for violations, and public acknowledgment when incidents occur.

Our goal with this legislation was not only to enhance penalties, but to push for a change in campus culture. Increased consequences for hazing show how serious we as a state will take hazing. The education pieces in Collin’s Law help our colleges and universities recognize the signs and dangers of hazing.

Parents and students deserve and need access to information on the behaviors of organizations sanctioned for hazing. Universities will now be required to have a website where parents and students can access this information so they can make educated, informed decisions about what organizations to join, or not join.

Had this provision been in effect when Collin was pledging a fraternity, his family would have been able to see that his fraternity had previously sent his family a pledge to the emergency room. The cause was a pledging activity that led to a gash in his head requiring eight staples.

Working on this law has been a challenging and emotional experience, both as a legislator and as a member of college-aged children myself. The bravery and courage of the Wiant, Foltz and Perino families has been inspiring. They are truly the heroes in ensuring that their stories are seen and heard to effect change.

Collin’s mother, Kathleen Wiant, and the Wiant family are my constituents. I was introduced to them shortly after the death of Collin, and worked with them over the past three years to create legislation that would increase penalties for hazing, enhance education of the dangers of it, and bring more transparency to instances that take place on our college campuses in Ohio.

I am inspired by the strength and determination that Kathleen showed during the time we worked together on this issue. That included her impactful testimony to our General Assembly: “We don’t want another family to go through the pain and loss our family has experienced... No family should ever have to go through what our family has gone through.”

Sadly, the family of Stone Foltz, a sophomore at Bowling Green State University who passed away from hazing in March, experienced that pain. We heard from the Foltz family as well, along with the powerful words of Tyler Perrino, a young man who survived a hazing incident.

One of the things that I am most grateful for is the fact that more than 25,000 students from universities across Ohio voiced their support for Collin’s Law. I believe this is the generation that will end the barbaric practice of hazing, and deliver on my hope that no other family will be awakened to that knock at the door.

Stephanie Kunze is currently serving her second term in the Ohio Senate and previously was a member of the state House of Representatives.

By Ohio Sen. Stephanie Kunze (Stephanie.Kunze@ohiosenate.gov)

“How many years ago my family was awaken in the middle of the night to find two police officers and a chaplain who were there to tell us that our beautiful 18-year-old son, Collin, was found dead at 45 Mill Street in Athens, Ohio.

We knew the address immediately. We knew it was the address of Collin’s fraternity house. That’s all we knew.

“In the months to follow, we began to learn more about the details that led to Collin’s death, and we learned that for the last weeks of Collin’s life, Collin had endured extreme, torturous hazing.

“He was beaten, he was belted, he was water boarded, and he was forced drugs and alcohol. Since that most horrific night, our family, both individually and collectively, has experienced the most painful type of heartbreak imaginable, because of hazing.”

– Kathleen Wiant

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By Ohio Sen. Stephanie Kunze (Stephanie.Kunze@ohiosenate.gov)
**CRIMINAL JUSTICE & PUBLIC SAFETY**

New laws in Michigan are the result of a bipartisan effort to understand the causes of a rising jail population.

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**JAIL REFORM IN MICHIGAN: NEW LAWS SIGNED IN EARLY JANUARY**

<table>
<thead>
<tr>
<th>Bill number</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 5846-47</td>
<td>Prohibits suspension of driver’s licenses for offenses unrelated to dangerous driving</td>
</tr>
<tr>
<td>HB 5849-52</td>
<td>Reclassifies some vehicle- and traffic-related offenses as civil infractions rather than misdemeanors</td>
</tr>
<tr>
<td>HB 5851</td>
<td>Eliminates licenses for offenses unrelated to dangerous driving</td>
</tr>
<tr>
<td>HCR 29</td>
<td>Replaces the traditional model with one that mirrors a “co-requirement” model, under which students are placed directly into college-level coursework with concurrent instructional supports</td>
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<tr>
<td>HB 5853</td>
<td>Requires condition for technical probation violations and lesser probation terms</td>
</tr>
<tr>
<td>SB 1046</td>
<td>Gives law enforcement greater discretion to issue citations rather than make arrests for misdemeanors</td>
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<tr>
<td>SB 1047</td>
<td>Ensures use of court summonses for first-time failures to appear in court and allows defendants to resolve low-level warrants without being arrested</td>
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<tr>
<td>SB 1049</td>
<td>Limits jail sanctions for technical probation violations and lesser probation terms</td>
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<tr>
<td>SB 1050</td>
<td>Limits jail sanctions for technical probation violations and lesser probation terms</td>
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<tr>
<td>SB 1051</td>
<td>Requires parole conditions to be individualized: consider parolee’s assessed risks and needs, reduce recidivism, and address needs of the victim</td>
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**EDUCATION**

Illinois revamps college-level developmental education with goal of improving completion rates

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**PREVALENCE OF DEVELOPMENTAL EDUCATION IN U.S. COLLEGES**

| % of State Community College Students Who Took One or More Remedial Courses |
| % of All Postsecondary Students Who Took One or More Remedial Courses |
|-------------------------------|-----------------|
| 59.8% | 40.9% |

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**ILLINOIS DEVELOPMENTAL EDUCATION**

Illinois has adopted a new model based on college-level coursework that helps students who have struggled with remedial classes. The new model replaces traditional developmental education with a “co-requirement” model, under which students are placed directly into college-level coursework with concurrent instructional supports.

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**MICHIGAN-GEORGIA GAP**

Michigan has a higher percentage of its population with a bachelor’s degree compared to Georgia. The gap between the two states has narrowed over the past decade.

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**MICHIGAN JAIL REFORM**

Michigan has passed a series of new laws aimed at reducing jail populations and improving jail conditions. The bills seek to increase the use of jail alternatives and reserved jail space for those actually threatening public safety.

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**STATELINE MIDWEST | FEBRUARY 2021**

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[**By Mitch Arvidson (marvidson@csg.org)**]
A long-time state Sen. Lee Schoenbeck describes it, South Dakota needed to find a way of “filling the cup” for his home state’s lower-income high school graduates as they looked at college options. “Things like grants, other scholarships, loans and work studies don’t always get there,” he says, “and other states were filling it when we weren’t.”

“That’s caused us to lose a lot of our blue-collar kids. This turned out to be the ideal year to seek a policy remedy.”

With passage of SB 171, legislators agreed to put $50 million toward a $200 million endowment for a needs-based Freedom Scholarship. The other $150 million endowment for a needs-based Freedom Scholarship. This was an endowment, and a five-member, governor-appointed board will oversee the scholarship program.

Students must be residents of the state, maintain a grade-point average of 2.5 and graduate within five years. They also must agree to live and work in South Dakota for three years after their graduation; if they don’t fulfill this pledge, the scholarship turns into an interest-bearing loan.

“Our belief is if they stay for three years, we’ve got them for a lifetime,” Schoenbeck says.

The same three-year work/live stipulation is part of an existing Build Scholarship, which supports residents and nonresidents who are attending South Dakota’s technical colleges and seeking degrees in high-demand fields such as agriculture, automotive, health care and information technology. In the 2018-19 academic year, U.S. states awarded about $1.41 billion in state-funded student financial aid: about 64 percent of it in the form of needs-based grant aid, 23 percent in merit-based aid and 13 percent in nongrant aid, according to the National Association of State Student Grant and Aid Programs.

By the impacts of the Great Recession.

That compares to appropriation levels of 2.5 and graduate within five years. They also must agree to live and work in South Dakota for three years after their graduation; if they don’t fulfill this pledge, the scholarship turns into an interest-bearing loan.

“Our belief is if they stay for three years, we’ve got them for a lifetime,” Schoenbeck says.

As part of its 50-state survey, the association also looked at differences in the breadth of state-funded award programs. For example, how much is a state awarding in grants compared to the state’s full-time-equivalent enrollment of undergraduate? In the Midwest, the amount was as high as $1,261 in Indiana and as low as $528 in Kansas (see map).

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The Great Lakes Restoration Initiative has weathered its share of fiscal and political storms since first being created more than 10 years ago. Soon after the GLRI’s inception, cuts in federal spending were necessitated by the impacts of the Great Recession.

While the initiative survived. More recently, proposed budgets of the Trump administration called for severely cutting or completely zeroing out the GLRI from the federal budget.

Yet funding levels never fell over the past four years.

Protecting the Great Lakes has proven to be a powerful, bipartisan unifier of the basin’s U.S. legislators, who sit on relevant congressional committees and serve in key leadership positions.

“We’ve been successful as a region,” Chad Lord, policy director of the Healing Our Waters-Great Lakes Coalition, said during a presentation in February for the Great Lakes-St. Lawrence Legislative Caucus, a bipartisan group of state and provincial legislators from the region.

The latest accomplishment: U.S. Congress’ reauthorization of the GLRI for another five years, this time at increasingly higher levels of funding that reach $475 million by fiscal year 2026. That compares to appropriation levels of $300 million per year as recently as 2019.

Between 2010 and 2020, about $3.5 billion went to the initiative, with states and other entities receiving federal funds for various Great Lakes protection and restoration activities. The GLRI has become a cornerstone of efforts to clean up the region’s toxic “hot spots,” prevent the introduction of invasive species, control nonpoint source pollution, and protect native habitat and species.

The U.S. Environmental Protection Agency is the lead federal agency for the GLRI, and it singles out several advances in the initiative’s first 10 years:

• Four Areas of Concern (including Deer Lake and White Lake in Michigan, and the Lower Menominee River in Michigan and Wisconsin) have been delisted; in addition, 100 beneficial uses in various parts of the Great Lakes basin have been restored due to the accelerated cleanup of Areas of Concern.

• These AOCs exist across the basin, on both sides of the U.S.-Canada border. They are geographic areas designated by the two federal governments as environmentally degraded due to toxic contamination.

• New barriers to close Asian carp pathways to the Great Lakes were installed and more than 6 million pounds of Asian carp were removed from upper Illinois waterways near Lake Michigan.

• The amount of phosphorus (a pollutant that contributes to harmful algal blooms) going into the Great Lakes and its tributaries has been reduced by more than 1.5 million pounds.

• About 440,000 acres of habitat, including more than 60,500 acres of coastal wetlands, have been protected, restored and enhanced.

• The higher authorization levels for the GLRI through FY 2026 aren’t a guarantee of higher appropriation levels, Lord cautioned.

• Final spending decisions will be made in each fiscal year, based on congressional negotiations.

Continued funding of the GLRI is one of several federal policy priorities of the Great Lakes-St. Lawrence Legislative Caucus. It also is focusing on investments in water infrastructure and climate resilience; strengthening ports and the maritime transportation system; addressing harmful algal blooms; and fighting aquatic invasive species.

In his presentation to the caucus, Lord singled out water infrastructure as a particularly urgent need of the Great Lakes region because of its older wastewater and sewer systems.

The Healing Our Waters-Great Lakes Coalition estimates the eight-state region’s drinking water and wastewater needs to be $188 billion. That amount

$150 million

$100 million

$50 million

$0

2019

2020

2021

2022

2023

2024

2025

2026

Congressionally appropriated funding amount (not yet congressionally appropriated)
Several states have decided to expand school-choice programs in 2021, including three in the Midwest:

- *Iowa*’s expansion of a tax credit program for individuals who donate to organizations that raise money for families attending private schools.
- *Kansas*’s increase in student eligibility for an existing scholarship program, and *Indiana*’s new budget that includes a mix of new initiatives and enlargement of an existing voucher program.

Why did this surge in legislative activity occur? McShane believes it’s at least partially due to the effects of the COVID-19 pandemic, which has introduced conflicts over school policies in areas such as in-person vs. remote learning and masks vs. no masks, as well as the experience of discovering new ways of getting education delivered.

(*Previously, the amount varied depending on the per-pupil funding level that is private school will be equal to 90 percent of eligibility can qualify; the cap had been 150 percent.*)

And he sees interest in school-choice policies only growing as families, schools, and states adjust to the post-pandemic world of K-12 education. “Some kids are going to need remediation, some are going to need acceleration,” McShane says. “Some are going to need to refocus on the social aspects of school, some on the academic aspects. So there’s not going to be one solution because the experiences were so different. We are going to see so many families wanting different things.”

This year in Kansas, one version of a bill to create new education savings accounts for families to attend private schools would have included eligibility for any student who lacked an in-person learning option at his or her local public school. No ESAs were established in Kansas this year. However, as part of a broader agreement between the Republican-led Legislature and Democrat Gov. Laura Kelly (HB 2134), the state altered its Tax Credit for Low Income Students Scholarship Program, which dates back to 2014.

Previously, the program was only open to low-income students attending one of the state’s 100 lowest-performing schools. Now, all low-income students will be eligible, a change that Kansas Rep. Kristey Williams says will greatly expand eligibility and participation. During the 2020-21 school year, 632 Kansas students were awarded scholarships totaling close to $2 million.

“Some kids need a little Jesus. Some need the neighborhood, or don’t want to be distracted by peers. Some need more structure just a different environment.”

This year’s expansion in Kansas came as part of an agreement to fully fund public schools.

In Indiana, already a state with one of the most expansive school-choice laws in the country, lawmakers significantly increased eligibility for the existing Choice Scholarship Program as part of its new two-year budget (HB 1001). As a result, students from households with incomes of up to 300 percent of eligibility can qualify: the cap had been 150 percent.

Additionally, the amount of scholarship money to attend a private school will be equal to 90 percent of the per-pupil funding level that is provided to the student’s public school. Previously, the amount varied depending on the family’s income level; it was usually less than 90 percent. Lastly, the Indiana General Assembly established new education savings accounts for the families of students with disabilities. Money from the accounts can be used to pay for specific therapies or classes or to attend private schools; it will come from a portion of the state dollars that go to the student’s local public school.

“Ian has been much more of a story of slow growth (on school choice)” McShane says about its long legislative history of incremental increases in programs and eligibility. “It had a small number of kids participate at first, and then more and more. They’ve had the opportunity to measure it and see how it’s going, and make sure people are benefiting.”

**FISCAL AFFAIRS**

Sports betting set to spread to two more Midwest states as result of ballot measures, legislative actions

by Tim Anderson (tanderson@csg.org)

When it comes to expanded, legalized gambling, Nebraska Sen. Tom Briese says he has always been interested in the purported benefits and concerned about the perceived costs.*

The majority of his colleagues in the Nebraska unicameral legislature agreed: Proposed expansions have stalled inside the Capitol.

But last fall, Briese found out that a majority of his fellow Nebraskans disagreed. They approved, by overwhelming margins, ballot proposals that authorize casino-style games of chance at Nebraska’s horse race tracks.

That put Briese in the unusual position this year of being the lead sponsor of legislation for an underlying public policy that he opposes. “It was something that, as chair of the Unicameral’s general affairs committee, was important for me to take the lead on,” he says.

“On some of these issues, then, we were kind of walking a fine line of adhering to your concerns about expanded gambling with the need to respect the will of the voters.”

Ultimately, legislators passed LB 561 by a wide margin, after a series of negotiations during the 2021 session. Early on, Briese determined that sports betting should be part of the expansion and that legislators should spell out rules for this type of gambling. “As a matter of law, when the voters approved games of chance, they approved sports betting.” Briese says. “That seemed pretty clear to me, though there were some gambling opponents who didn’t agree with this assessment.”

One question, then, became whether to allow betting on college sports and, particularly, in-state teams, an area of high interest in a state where all eyes in the fall are on University of Nebraska football. The legislative compromise was this: Allow betting on in-state collegiate teams, but only on games being played outside the state.

“That provision may be unique in the country.” Briese notes. LB 561 also only allows in-person gambling (no option for betting via the internet and/or on mobile phones) and prohibits credit card transactions.

Under language in the ballot proposals, gambling revenue will be taxed at 20 percent, a rate for casino operators in line with that of other states, Briese says, but “quite high” for sports betting. Only 2.5 percent of this new tax revenue will go to Nebraska’s general fund. Most of it (70 percent) will go to a statewide property tax relief fund. A legislative fiscal analysis estimates that the gambling expansion will generate $49 million in tax revenue in fiscal year 2023.

Voters in a second Midwest state, South Dakota, also approved a gambling expansion in fall 2020. That constitutional amendment authorized the legislature to allow sports betting in the town of Deadwood, where limited gaming already is allowed. Legislators approved follow-up legislation (SB 44) earlier this year. In South Dakota, the tax rate on sports betting will be 8 percent. No gambling on college sports will be allowed, and only in-person wagers will be accepted. As of June, legalizad sports betting was up and running in Illinois, Indiana, Iowa, and Michigan. Each of these states permits mobile/internet wagering and sports betting on college events.

In Illinois, wagers on in-state collegiate teams are not allowed; in Iowa, prop bets (those not directly tied to the final score or final outcome of a game) on in-state collegiate athletes is prohibited. According to the American Gaming Association, the tax rates on sports betting are 15 percent in Illinois, 9.5 percent in Indiana, 6.75 percent in Iowa and 8.4 percent in Michigan.

**STATUTORY LEGALIZED SPORTS BETTING IN MIDWEST (AS OF JUNE 2021)**

**Up and Running**

**Legal, not up and running**

**Not legal**


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B y the start of June, 13 U.S. states had enacted various types of laws on educational choice in 2021, creating a total of five new programs and expanding 13 existing ones. "That is a huge number much larger than what we’re used to seeing," says Mike McShane, who tracks this state-level activity as director of national research for the Midwestern Legislative Conference Fiscal Affairs Committee, was important for me to opportunity to measure it and see how it’s going, and make sure people are benefiting."
**EDUCATION**

by Tim Anderson (tanderson@csg.org)

A look back at the last school year is a reminder of the educational imperatives that lie ahead for state and their school districts.

Tiffany Sanderson, secretary of the South Dakota Department of Education, put the stakes this way to lawmakers who attended a July session of the Midwestern Legislative Conference Annual Meeting.

Effectively re-engage students who were chronically absent or who fell behind academically due to a year of instructional disruptions and alterations, and you’ve contained the problem to a short-term educational impact.”

“[States] are doing it now, but the problem was chronic,” Sanderson said. “There are so many things that are going to be long-term impacts that we’re not quite sure of yet.”

In South Dakota, during a typical year, about 3 percent of students miss 30 or more days of school. That rate of chronic absenteeism more than doubled in 2020-21, Sanderson said. These higher rates tended to be in schools providing virtual rather than in-person learning. More than half of the state’s chronically absent students were Native American and 80 percent were low-income.

Lovell singled out three post-pandemic challenges for all states to address. One is helping students catch up from lost learning opportunities over the past year. Options include developing summer learning and enrichment activities, extending the school day and year, and investing more in tutoring and evidence-based interventions. He also emphasized the importance of closing digital divides that leave students without access to high-speed home internet.

Lastly, he said, new policies are needed to improve postsecondary readiness. Currently, only about 37 percent of graduating high school students are prepared for college-level math and reading; 70 percent of beginning students at two-year colleges require remedial coursework. According to Lovell, states can improve these numbers in part by strengthening the rigor of K-12 curricula and expanding access to college-credit courses.

He singled out a competency-based education model in Georgia known as “Move on When Ready,” a requirement in Indiana that high schools offer two advanced placement and two dual-enrollment courses, and a new law in California that incentivizes schools to develop high-quality career and technical education courses.

**$123 BILLION OPPORTUNITY**

One huge new opportunity for states: the American Rescue Plan Act, which sets aside $123 billion for states and school districts to spend on education between now and 2026.

“[The states have] strings attached to money that comes from Washington,” Lovell said. “These dollars have as few strings as possible attached to them.”

In South Dakota, the money will go to three priority areas, Sanderson said. One is improving the recruitment and retention of educators. The second is better addressing the social-emotional needs of young people, an area that Sanderson said was “the highest need expressed” during recent listening sessions held across the state. Lastly, South Dakota will explore new ways of delivering instruction, with less emphasis on seat-time requirements in favor of a personalized, competency-based model. “Help students accelerate when they’re ready to do so,” she explained, “and have more time and attention given where they might be at risk or in need of additional support.”

To advance the competency-based model, South Dakota is investing in new teacher training and expanding the availability of digital-learning options.

**FISCAL AFFAIRS**

by Tim Anderson (tanderson@csg.org)

Most states have landed on sound fiscal footing — after a roller-coaster year caused by the pandemic

When most states closed their books this summer on fiscal year 2021, the vast majority of them had revenue collections that outpaced their budget forecasts. That’s not so unusual in a typical fiscal cycle.

But in the year of a pandemic, when economic activity was curtailed or even shut down, few if any fiscal analysts were predicting such sound conditions.

“We were wrong; what happened is a lot of things were done right,” Shelby Kerns, executive director of the National Association of State Budget Officers, said in July at the Midwestern Legislative Conference Annual Meeting. For example, federal stimulus dollars propped up state income and sales taxes. States themselves, meanwhile, had successfully fought for the authority to collect sales taxes from e-commerce transactions. And during the first quarter of calendar year 2021, e-commerce accounted for 13.6 percent of total U.S. sales; that compares to 7.8 percent five years ago.

“You can imagine the trouble that states that rely on the sales tax would be in if it wasn’t for that change,” Kerns asked. Also leading up to the pandemic, states had built up record levels of rainy day funds and other reserves.

Other, unanticipated factors ended up helping states as well. High-wage earners were largely insulated from the pandemic’s economic effects, thus limiting the impact on income tax collections, while shifts in consumption actually helped state tax bases — a move away from the purchasing of services (often not taxed by states) and toward goods. Plus, the stock market hit record levels.

Despite this good news, state revenue estimates are still below pre-pandemic forecasts, Kerns said. She added that legislators should be prepared for a rise in expenditures, most notably in Medicaid, as a temporary boost in federal aid ends and must be replaced by state dollars.

The July session (organized by the MLC Fiscal Affairs Committee) also included a look at how states will use the billions of dollars coming to them via the American Rescue Plan Act. The Council of State Governments is tracking state activity, and two CSG experts, Christine Gordley and Carl Sims, shared some of their findings.

So far, Sims said, states are looking to “make sure [ARPA] funds have a long-term impact and return on investments while not adding to the state’s ongoing financial responsibilities.” For example, states are making one-time investments in broadband and other infrastructure needs, as well as modernizing their unemployment and information technology systems.

**STUDENT’S ACADEMIC GROWTH DURING 2020-21 SCHOOL YEAR COMARED TO GROWTH IN 2018-19 — AS MEASURED BY CHANGES IN MEANED SCORES ON THE MAP TEST (MEASURE OF ACADEMIC PROGRESS)**

<table>
<thead>
<tr>
<th>Grade and subject</th>
<th>Low-poverty schools</th>
<th>High-poverty schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Third-grade reading</td>
<td>-3%</td>
<td>-11%</td>
</tr>
<tr>
<td>Eighth-grade reading</td>
<td>-2%</td>
<td>-6%</td>
</tr>
<tr>
<td>Third-grade math</td>
<td>-6%</td>
<td>-17%</td>
</tr>
<tr>
<td>Eighth-grade math</td>
<td>-8%</td>
<td>-8%</td>
</tr>
</tbody>
</table>

*Figures represent the difference in percentile points. Student learning varied during the pandemic school year, 2020-21. That fact, plus growth in a benchmark testing, impact the increase during calendar year 2018-19 (Iraq year). The decline in student growth was higher in high-poverty schools.*

Source: NAESP Center for School and Student Progress

Tim Anderson is CSG Midwest’s staff liaison to the MLC Education Committee.

**STATELINE MIDWEST ISSUE BRIEFS**

**FY 2021 REVENUE COLLECTIONS IN MIDWEST STATES COMPARED TO PROJECTIONS**

Higher than most recent projection that had been made
On Target to meet most recent projection that had been made
Fiscal year ends Sept. 30, collections coming in higher than original projection

Source: National Association of State Budget Officers

Trend Anderson is CSG Midwest publications manager.
CRIMINAL JUSTICE & PUBLIC SAFETY

With more jobs requiring occupational licenses, states look to remove obstacles for formerly incarcerated

by Mitch Arvidson (marvidson@csg.org)

Sixty years ago, about one in 20 jobs required an occupational license. Today, it’s in four.

That trend has closed many employment and career opportunities for individuals with a criminal record because of another figure — 13,000, the number of licenses required in Minnesota.

As lawmakers learned in July at a session of the Midwestern Legislative Conference Economic Development Committee, over half of those employment losses in jobs related to hospitality, entertainment, travel, retail and child care occurred.

Women have had a higher rate of job loss relative to their employment status, and in particular, minority women have been at a greater risk of labor market-related displacement and disruption. For example, as of February 2020, minority women represented less than 12 percent of employment; they accounted for nearly 21 percent of the people who lost jobs between February and April 2020.

“This is a really important lesson in terms of who got hurt by the pandemic,” Horrigan said.

Bouncing back for many displaced workers has not been easy. As of June 2021, more than 42 percent of the nation’s population had been out of work and searching for a job for 27 weeks or longer.

“The labor market is changing in terms of skill requirements, automation,” Horrigan said. “These [long-term unemployed] are the folks who are going to have the hardest, long-term problems in the labor market.”

Minorities make up a disproportionate share of the nation’s long-term unemployed: 23.9 percent and 17.1 percent for minority males and non-degreed workers, respectively, as of May. Horrigan suggested that policymakers also pay close attention to trends in the “near unemployed”: individuals who have been laid off, either temporarily or permanently, but are not yet searching for work.

This group is considered out of the labor force and not counted as unemployed.

“(Some) are coming back in,” he said, “or we hope they are coming back in.”

As of June 2021, nearly 7 million individuals who were out of the labor force reported that they wanted a job now. But they cited various factors, including child care, family responsibilities, transportation, etc., for not seeking work.

Among this group of the “hidden” or “near unemployed, there is a disproportionate share of females without a college degree as well as minority females.

It is unknown how many of these workers will remain out of the labor force or for how long. Horrigan said, he urged legislators to focus on strategies that help bring them back to the workplace.

Laura Tomaka is CSG Midwest staff liaison to the MLC Economic Development Committee.

ECONOMIC DEVELOPMENT

Hit hard by pandemic, many women, minority and non-degreed workers still face labor-market challenges

by Laura Tomaka (ltomaka@csg.org)

The pandemic-related dip in jobs and economic output that has been referred to as the “shecession” because of its disproportionate, adverse impact on female workers.

Economist Michael Horrigan told legislators in July that federal data on employment tell a slightly more nuanced story.

It’s a “less-than-B.A. recession,” he said, “with significant impacts on women and minorities.”

Likewise, many groups of workers without postsecondary degrees or credentials continue to struggle even as the U.S. economy grows.

“Those with less than a bachelor’s degree” have had an especially difficult time regaining employment since April 2020, Horrigan, president of the W.E. Upjohn Institute for Employment Research, said during a session organized by the Midwestern Legislative Conference Economic Development Committee.

During the first few months of the pandemic (February to April 2020), overall employment declined by 22.2 million jobs. This drop was highly concentrated in lower-wage sectors and establishments — 64 percent of the national.

“Ten industries alone accounted for over half of those employment declines,” said Horrigan, noting huge losses in jobs related to hospitality, entertainment, travel, retail and child care.

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Laura Tomaka is CSG Midwest staff liaison to the MLC Economic Development Committee.

With more jobs requiring occupational licenses, states look to remove obstacles for formerly incarcerated

by Mitch Arvidson (marvidson@csg.org)

Sixty years ago, about one in 20 jobs required an occupational license. Today, it’s in four.

That trend has closed many employment and career opportunities for individuals with a criminal record because of another figure — 13,000, the number of licenses required in Minnesota.

As lawmakers learned in July at a session of the Midwestern Legislative Conference Annual Meeting, states have begun to chip away at those barriers.

These fair-chance licensing reforms have several objectives: Give individuals a greater chance at re-entry success, make them less likely to reoffend, and meet a state’s workforce needs.

Organized by the MLC’s Criminal Justice & Public Safety Committee, the session featured presentations from Karesse Korce and Korey Johnson of The Council of State Governments’ Justice Center and Adam Diersing of the CSG Center of Innovation. Together, they briefed lawmakers on different ways to remove barriers to licensure.

For instance, Minnesota and other states have determined that certain low-level offenses do not pose a public safety risk. They now broadly prohibit such offenses from being considered in licensing applications.

In states such as Indiana, Kansas and Missouri, after a certain period of conviction-free years, individuals are less likely to have their criminal records stand in the way of securing a license. This is because of laws that reflect what the data show about the likelihood of reoffense: it declines significantly as more and more time passes from when the conviction occurred.

Another policy idea is to enact procedural protections at the back end of the licensing process. North Dakota and Ohio are among eight states that require a written explanation of specific reasons for conviction-based denials. This provides applicants with a record for challenge or appeal, and informs them of possible remedies. It also ensures that licensing bodies are properly applying the law.

On the front end, states can inform applicants about what licenses are possible. Indiana, Iowa, Nebraska, Ohio and Wisconsin provide pre-application determinations letting individuals know if they can expect to have criminal records disqualified.

The hope is that these policy changes improve employment outcomes. According to the Prison Policy Initiative, 27 percent of formerly incarcerated individuals are unemployed. Figures are even higher for women and people of color. Formerly incarcerated Black women, for example, have a jobless rate of nearly 44 percent; that compares to 6 percent for Black women in the general population.

Mitch Arvidson is CSG Midwest staff liaison to the MLC Criminal Justice & Public Safety Committee.

With more jobs requiring occupational licenses, states look to remove obstacles for formerly incarcerated
Legislators explore promise of career and technical education, as well as funding options for states

by Carolyn Orr (carolyn@strawbridgefarm.us)

During the 2018-’19 school year, more than 750,000 students in the Midwest chose an academic path that they hoped would also start them on a successful career journey. One of the most popular tracts chosen by these career and technical education (CTE) students: agriculture, an industry that is critical to many of the region’s communities and that provides a diverse mix of job opportunities.

“CTE programs are reflective of local communities’ industries and needs, from corn and hogs in rural Iowa to food production in the Twin Cities of Minnesota to fisheries in northern Wisconsin,” Laura Hasselquist, an assistant professor of agricultural education at South Dakota State University, said during a July session of the Midwestern Legislative Conference. Along with agriculture, the other four most popular CTE career tracts in the Midwest are health care, business, human services, arts and information technology.

Local, state and federal funds are used to support this education model, which is for all ages but is perhaps most often associated as an alternative for high school students. According to Hasselquist, graduation rates are higher, and dropout rates lower, among these students.

“Part of the reason [why] is that CTE provides students with the opportunity to apply lessons learned in other classes to real-world settings,” she said. “This reinforces the academic lessons and makes them stick.”

The funding of CTE can be just as varied as the programs themselves. According to a 2014 U.S. Department of Education study, some states fund local programs out of general state-aid formulas, but there is no specific earmark for CTE. Other states have student- or cost-based formulas that set aside funds for CTE programming.

A third model is to dedicate money for area-wide CTE centers that support students in multiple school districts. Mark Pogliano, principal and CTE director of the Jackson Career Center in Michigan, discussed with legislators how these varying funding methods are used in his home state.

While all of the CTE programs rely on state and federal funding, he said, 33 of Michigan’s school districts have a portion of their property taxes dedicated to vocational education. The Jackson Area Career Center, for example, oversees a program that receives $12 million a year from the local millage tax. This region of the state has one central career center that serves 12 local districts and offers a centralized CTE program.

In other parts of the state, school districts work together but do not have a centralized CTE center. Instead, participating schools house specific CTE programs. A third option is for individual schools and districts to have stand-alone CTE programs of their own. Regardless of the model, Pogliano said, state support is critical. He encouraged legislators to work toward implementing sustainable funding models that encourage growth in CTE programs.

This July session was organized by three MLC committees: Agriculture & Natural Resources, Economic Development and Education.

Carolyn Orr is CSG Midwest staff liaison to the MLC Agriculture & Natural Resources Committee.
In Nebraska, new law has researchers studying potential link between air quality and student performance

QUESTION OF THE MONTH

States use a mix of approaches, but in this region, the "who" always includes either members of the executive branch or their designees. The legislative branch also often has a role in the development of official revenue estimates. Five Midwestern states, for instance, have statutory language calling for an interbranch, consensus approach to this part of the budget process.

- **Indiana's Revenue Forecast Technical Committee** is responsible for developing the official estimate. It includes two members appointed by the governor and four appointed by the state's legislative caucuses. The committee meets every December, as well as in April in years when the state's biennial budget is passed.

- **Under Iowa's statute, a Revenue Estimating Conference** must meet at least three times a year, including once immediately before and once during legislative session. The conference is made up of a governor's designee, a staff person with Iowa's Legislative Services Agency and a third person agreed upon by the two other members.

- **In Kansas**, staff from the Legislative Research Department, Division of Budget and Department of Revenue develop a joint estimate twice a year with assistance from three university economists. Each member of this Consensus Estimating Group uses his or her own model to develop an estimate. The group then discusses each member's findings before issuing a single revenue estimate.

- **The Michigan House Fiscal Agency, Senate Fiscal Agency and Department of Treasury** are involved in the state's twice-a-year revenue estimates. Each develops its own forecast. After reviewing these three forecasts, as well as hearing presentations from outside experts, representatives from these agencies agree on a joint economic/ revenue forecast.

- **Nebraska's law** differs from many other states in that it establishes qualifications to serve on the Economic Forecasting Advisory Board. The nine members must have demonstrated expertise in the field of tax policy, economics or economic forecasting. Five are appointed by the legislature, four by the governor. They meet three times in odd-numbered years and twice in even numbered years.

In contrast to these five states, Minnesota leaves revenue estimating to the executive branch. A state economist within the Department of Management and Budget prepares twice-a-year revenue estimates for the governor and legislature. Council of Economic Advisers reviews the assumptions and methodologies used by the department.

In other states, separate or competing revenue forecasts are established by the legislative and executive branches. For example, early in the session, the South Dakota Legislature's Joint Committee on Appropriations votes on a "revenue target" after hearing independent estimates prepared by the two branches. In states such as Illinois, Ohio and Wisconsin, the governor's proposed budget is based on revenue estimates generated by executive departments or agencies. However, lawmakers also can use forecasts developed independently by legislative fiscal staff.

Revenue forecasting in North Dakota is led by the Office of Management and Budget, with an interim legislative committee in place to scrutinize the branch's data, models and findings. The legislative branch also conducts economic forecasting of its own. Many states also report using economic consulting firms to help establish their estimates.

**Annual frequency of release of official revenue estimates**

Source: National Association of State Budget Officers' "Budget Process in the States"

**Question of the Month**

In the 11-state Midwest, who establishes the official revenue estimate that guides the development of state budgets?

**By Tim Anderson (tanderson@csg.org)**

ix years ago, the largest gas leak in U.S. history occurred in California. The incident, as it turned out, resulted in the chance for a natural experiment of sorts — to see whether better air quality in schools leads to improved student achievement. That’s because as a precautionary health measure, high-performing air filters were installed in all school buildings within a five-mile radius of the leak.

An economics professor on the other side of the country, Michael Gilraine from New York University, studied the effects by comparing the academic gains of students in those schools vs. peers in schools without the filters. (Regarding the gas leak, the filters ended up being only a precaution; natural gas was not detected inside any of the nearby schools.)

Gilraine’s findings and conclusions, released in 2020, were striking. The math and reading scores of students in those nearby schools increased as a result of the air-filter installations, with the gains equivalent to cutting class sizes by one-third. Eliot Bostar, a new state senator from Nebraska, saw the results and immediately wanted to know more.

“I got in touch with Dr. Gilraine and asked him, what do you think would be a good next step?” Bostar says. “The message I got from him, as well as other researchers, scientists and academics working in this field, was that we need more research.”

That is now occurring in Nebraska as the result of this year’s LB 630, a bill Bostar sponsored that passed with near-unanimous legislative approval. The two-year study, estimated to cost about a half-million dollars, is being run by the Nebraska Department of Education and with help from University of Nebraska researchers. It involves 300 classrooms of third- to eighth-grade students in 50 different Nebraska schools. Half of the classrooms will be equipped with commercial air filters to remove common pollutants and particulate matter, half will not. Researchers will compare the academic and behavioral performance of these two groups of students, and then report it findings to the Legislature.

Even if the results demonstrate an effect of just half of what the Gilraine study produced, it would still be one of the most cost-effective endeavors we could pursue to improve academic outcomes in our school,” Bostar says. In his study, Gilraine estimated the cost of the filters to be $1,000 per year, per classroom.

**AIR QUALITY AND COVID-19**

Nebraska's new research comes at a time when more attention is being paid to indoor air quality in schools, particularly as it relates to preventing the spread of COVID-19 and other diseases.

One priority of the American Rescue Plan Act, for instance, is to improve indoor ventilation in schools and colleges, with new federal funding available to upgrade heating, cooling and ventilation systems and to purchase new air filtration units. “For us in Nebraska, as we study the academic impact of reducing indoor air contamination and pollution, it will have the added benefit of allowing us to examine whether or not these filtration systems have an impact on [reducing] disease transmission,” Bostar says.

“ That is very much how the experiment has been designed.” Another potential benefit of improved air quality is reducing the number of days missed by students. Asthma is a leading cause of school absenteeism, and poor indoor air quality has been linked to severe attacks and allergic reactions.

**South Dakota Sen. Jim Bolin and Ohio Sen. Harold Craig serve as co-chairs of the Midwestern Legislative Conference Education Committee. Tim Anderson is the CSG Midwest staff liaison to the committee.**
Minnesota seeks to pump up use of E15 by investing in new biofuels infrastructure at service stations

by Carolyn Orr (carolynorr@startribune.com)

Not only is the nation’s ethanol production concentrated in the Midwest, so are the policies that have been adopted to grow this part of the agricultural economy.

One state that has consistently led the way — dating back to adoption of a first-of-its-kind incentive payment for ethanol producers in 1986, and the first E10 mandate in 2003 — is Minnesota. And lawmakers there are now zeroing in on the need to support a next-generation biofuels infrastructure.

Earlier this year, they allocated $6 million over the biennium for such infrastructure projects. One of the primary goals: Improve consumers’ access to higher blends of ethanol, by increasing the number of Minnesota service stations that offer E15.

State dollars will go to retailers and distributors who install the underground storage tanks, piping, pumps and other equipment needed for fuels containing up to 15 percent ethanol.

“It’s good for the farmers who grow the corn, good for the economies where ethanol is produced because of the jobs it produces, good for the environment because it reduces greenhouse gases, and good for the consumer because it reduces the cost of fuel,” says Minnesota Rep. Paul Anderson, co-chair of The Council of State Governments’ Midwestern Legislative Conference Agriculture & Natural Resources Committee.

In his home state, too, many ethanol plants began as farmer-owned cooperatives, thus generating even-greater economic benefits for local economies and corn producers.

But the industry has faced challenges in recent years. Two years ago, Minnesota Gov. Tim Walz noted that low market prices and changes in federal policy were slowing growth.

In response, he formed a Governor’s Council on Biofuels, and one of the group’s core recommendations (released in late 2020) was to upgrade the fuel-distribensing infrastructure — a necessity if Minnesota wanted to move to higher blends of biofuels. The council found, for example, that only 15 percent of the state’s service-station sites were compatible with E15.

Other states in the Midwest also have recognized this infrastructure need and established their own grant programs (see box). Another potential source of funding is a state’s association of corn growers. Minnesota Corn is providing an additional $1 million, on top of the $6 million legislative appropriation.

The Kansas Corn Growers Association has a privately funded program as well, says Josh Roe, the group’s vice president of policy. (According to Roe, each plant in Kansas averages 45 employees, with salaries averaging more than $59,000.) In late 2021, another funding source became available: the federal government. The U.S. Department of Agriculture announced in December that $100 million in grants would be available for the biofuels infrastructure, including blender pumps.

**WEB SESSION ON ETHANOL**

The Midwestern Legislative Conference Agriculture & Natural Resources Committee recently held a virtual session on the future of ethanol and the Midwest biofuels sector. A recording is available at csgmidwest.org The MLC Economic Development Committee co-hosted this web event.

Along with its emphasis on investing in infrastructure, the Minnesota Governor’s Council on Biofuels is recommending that the state advocate for a low-carbon fuel standard (LCFS) across the Midwest. (Legislation to create such a standard for Minnesota alone was introduced but not passed this year.) A few states outside this region already have adopted an LCFS.

California is targeting a 20 percent reduction in average carbon intensity from transportation fuels by 2030. To reach this standard, fuels are evaluated on their carbon intensity, and a series of market-based incentives (LCFS credits) are then used to encourage the development and use of low- or zero-carbon options.

The idea has particular appeal in the Midwest because ethanol and biodiesel would be among the low-carbon fuels. The consulting firm ICF International has analyzed the potential impacts of a clean-fuels policy in Minnesota and Iowa, using a 15 percent reduction in carbon intensity by 2030 as an economic model. It found that such a policy would support 15,000 new jobs and generate $946 million in employment income.


**State incentives/grants for biofuels infrastructure**

<table>
<thead>
<tr>
<th>State incentive/grant program described</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>No state incentive/grant program identified</em></td>
<td></td>
</tr>
</tbody>
</table>

**WEB SESSION ON YOUTH APPRENTICESHIP**

In November, the Midwestern Legislative Conference Education Committee held a virtual session for state lawmakers on youth apprenticeships. A recording is available at csgmidwest.org. The MLC Economic Development Committee co-hosted this event.

Since joining the Legislature, Oldenburg has prioritized an expansion of youth apprenticeships, and he says two recent legislative actions will help. First, Wisconsin raised the reimbursement rate for local programs from $350 to $1,100 per apprentice. Second, the recently enacted AB 220 (sponsored by Oldenburg) requires a youth apprenticeship program to provide information about it to parents and students.

**‘Earn and learn’: State support for youth apprenticeships is growing; Wisconsin already is a national leader**

by Tim Anderson (tanderson@csg.org)

Last school year, more than 5,000 Wisconsin high school juniors and seniors earned $28.7 million while they learned on the job — all while securing academic credits for high school graduation and often getting a jump-start on a postsecondary program.

They did so by participating in the state’s nationally recognized youth apprenticeship program.

In his home district, Rep. Loren Oldenburg has seen young people take advantage of this “earn and learn” opportunity by working in the mechanics shop of a local dealer getting early, hands-on experience in careers such as agriculture, manufacturing, hospitality and banking.

“Here in our rural areas, we can get our young adults into the workforce sooner and in career areas that they might like,” he says. “And that can be the difference in them staying here.”

Wisconsin is ahead of most states on youth apprenticeship. Its program dates back 30 years, with state policy and grants providing the foundation for coalitions of school districts, labor organizations and industry groups to work on locally run initiatives.

The idea is catching on in other states. In a recent web event of The Council of State Governments’ Midwestern Legislative Conference, lawmakers learned how states such as Iowa and Michigan are making a greater commitment to youth apprenticeship.

In Iowa, it began as a pilot project in one high school in 2018, and has since expanded to 60 schools covering 19 different occupational areas. The Legislature is now appropriating nearly $4 million to help start or maintain local youth apprenticeships, and it also passed a bill in 2021 (HB 847) giving school districts greater funding flexibility to share the costs of employing work-based learning coordinators.

Michigan, long a policy leader in registered apprenticeships for adults, is now making similar opportunities available to 16- to 24-year-olds. As part of a federal grant, Michigan has secured $5 million to build what it is calling a “youth apprenticeship readiness network” of schools, employers, and labor and business organizations.

Together, these groups will create more than 1,000 new youth apprenticeship. The state wants at least 124 of the participants to be youths with disabilities.

These young Michigan apprentices will earn industry-recognized credentials in sectors that need more skilled workers and that offer pathways to high-wage careers. (Examples include advanced manufacturing, construction, energy, health care and information technology.)

In Wisconsin, state-level support comes first and foremost from a $6 million grant program overseen by the Department of Workforce Development.

Legislators have developed a list of 16 career clusters that must be offered to students, and state statute also sets performance targets for grant recipients; for example, at least 60 percent of the students should be offered a job at the place where they received two years of on-the-job training.

**ETHANOL’S LINK TO LOW-CARBON FUEL STANDARD**

Agriculture & Natural Resources

State of ethanol in the Midwest: Annual production capacity (gallons per year) and state-funded infrastructure incentives/grants*#

<table>
<thead>
<tr>
<th>State</th>
<th>Annual production capacity</th>
<th>Infrastructure incentives/grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>1.2 billion</td>
<td>None</td>
</tr>
<tr>
<td>Nebraska</td>
<td>2.2 billion</td>
<td>None</td>
</tr>
<tr>
<td>Illinois</td>
<td>4.5 billion</td>
<td>None</td>
</tr>
<tr>
<td>Kansas</td>
<td>5.4 billion</td>
<td>None</td>
</tr>
<tr>
<td>South Dakota</td>
<td>6.3 billion</td>
<td>None</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>7.0 billion</td>
<td>None</td>
</tr>
</tbody>
</table>

* All 11 Midwestern states are among 15 ethanol-producing states. The three top ethanol producers are — according to the Biofuels Institute — Illinois, Indiana and Iowa.

Sources: CSG Midwest research, U.S. Department of Energy and state-specific information.
In some of the Midwest’s state constitutions, the language on special sessions is clear: The legislature itself can initiate them. That’s done by a two-thirds vote of legislators (in states such as Iowa, Kansas, Nebraska and South Dakota) or a joint call of legislative leaders (in Illinois and Ohio).

Across the country, in fact, most legislatures have some clearly established authority and means for calling themselves into session, according to The Council of State Governments’ “The Book of the States.” Not always, though. In Indiana, for instance, no such constitutional language exists, with only the governor being given plenary authority.

But this year’s HB 1123 established new statutory authority for the Indiana General Assembly to call itself into “emergency sessions” in order to address and pass bills related to a governor-declared state of emergency. Gov. Eric Holcomb vetoed HB 1123. He contends that the Indiana Constitution gives the governor — and only the governor — the authority to call for a special session. The General Assembly override his veto, leading to one of the more unique lawsuits in the country stemming from recent disputes between states’ legislative and executive branches over COVID-related policies and governor-declared emergencies.

GOVERNOR’S SOLE AUTHORITY VS. LEGISLATURE’S PLenary POWER

Holcomb sued the legislature, and as of late August, the case was before the Indiana Supreme Court.

Law professor Cynthia Baker frames the two sides’ legal arguments this way: “Does the Indiana Constitution give the governor sole authority to call the General Assembly into a special session, or can the General Assembly do so under a fundamental rule in reading state constitutions that a legislature has plenary powers to act unless specifically limited by the respective state constitution?”

On the one hand, Baker notes, the Indiana Constitution distinguishes powers among the three branches, and specifies that “no person, charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.”

The language on the calling of special sessions is clear. “It expressly provides” this authority to the governor, says Baker, director of the Program on Law and State Government at Indiana University’s Robert H. McKinney School of Law. On the other hand, state constitutions generally limit, rather than grant, powers. So unless there is language specifically limiting a legislature’s ability to do something, Baker says, “it’s understood that the legislature does have plenary power.”

As part of HB 1123, too, legislators included language citing their constitutional authority to adopt laws that “determine the length and frequency of … sessions.”

EXTRAORDINARY SESSIONS ALLOWED IN WISCONSIN

Two years ago, the Wisconsin Supreme Court ruled that “extraordinary sessions” called by the Legislature are constitutional. Wisconsin’s Constitution (like Indiana’s) only gives the governor authority to call a special session. But in its decision, court cited other constitutional language directing the Legislature to meet “as provided by law” along with a specific state statute giving the legislature the discretion to determine its own “work schedule.” This schedule can include setting aside time to meet in extraordinary session, the justices ruled in a 4-3 decision.

Indiana Governor, Legislature at Odds over Power to Call Special Sessions

by Jon Davis (jdavis@csg.org)

Earlier this year, Illinois became one of the latest states to update its laws on how and when schools can physically restrain students and place them in seclusion.

HB 219 bars school workers from locking children alone in seclusion rooms and limits the use of isolated timeout and restraints to situations in which there is “imminent danger of physical harm.” These new restrictions will be phased in over the next three years as school staff across the state receive training in areas such as crisis intervention and positive behavioral supports.

As initially passed by the House, HB 219 also allowed for a two-year phase-in of a ban on prone restraint, in which a student is held face down on the floor. However, subsequent legislative negotiations banned the use of prone restraint after this school year; and it only can be used this year if the school staff member has been properly trained and if prior restraint is allowed in the student’s behavioral intervention plan.

In the Midwest, seven states (including Illinois; see map) have bans on the use of prone restraint. At least three of these states also allowed for some kind of phase-in before the prohibition took effect: one year in Kansas and Michigan, for example, and one month in Iowa.

Prior to this year, Illinois had existing statutory language and regulations that limited the use of seclusion and restraint. However, in late 2019, a collaborative investigation between ProPublica and the Chicago Tribune found that seclusion rooms and physical restraint were being used in Illinois schools far more often than reported to the federal government, and for reasons not allowed under state law.

Investigators found that of 35,000 documented incidents in 190 school districts from fall 2017 through December 2018, one-third of seclusions and one-fourth of restraints did not list safety as the reason for the actions taken. There were also major issues with the schools’ self-reporting. One school district reported only four seclusion incidents to the U.S. Department of Education in 2015–16, but district records showed 848 isolated timeouts during the following year and a half.

In some schools, investigators found, isolated seclusion (sometimes combined with prone restraint) became the go-to punishment — for offenses as minor as pushing a book off a desk.

That investigation led the Illinois State Board of Education to institute an immediate ban on seclusion and floor restraints. At the time, 19 U.S. states prohibited seclusion of children in locked rooms and four prohibited seclusions of any kind.

Illinois ban on seclusion was lifted shortly thereafter, but much stricter rules on when isolated timeouts could be used remained and state oversight was increased. Then, in April 2020, the State Board of Education lifted the ban on prone restraints after some schools complained that they did not have enough time to transition to other methods.

Does State Ban use of Prone Restraints by Schools?

The General Assembly then intervened this year with the passage of HB 219.

In 2020, Wisconsin legislators passed a measure explicitly banning the use of prone restraints on all students. SB 527 also created new rules on training, data collection and parental notification of incidents involving seclusion and physical restraint.

Question of the Month response by Mitch Arvidson (mavirdson@csg.org), program manager for CSG Midwest, which provides individualized research assistance to legislators, legislative staff and other government officials. This section highlights a research question received by CSG Midwest. Inquiries can be sent to csgm@csg.org.

Who Can Call a Special Legislative Session in Midwestern States?

Only governor can call special session

Governor can call special sessions; legislature can call one if it hasn’t reached its constitutional cap on session days for biennium (80 days)

Governor or legislature can call special session “extraordinary session” if legislature calls it

Governor can call special session; dispute pending before state Supreme Court over legislative authority (as of late August)

Sources: The Council of State Governments’ “The Book of the States” and CSG Midwest research articles focusing on institutional issues in state governments and legislatures. Previous articles are available at csgmidwest.org.

Does State Ban use of Prone Restraints by Schools?

Yes

No