New plans for K-12 success

New direction in accountability puts emphasis on student growth, postsecondary readiness, and chronic absenteeism

by Tim Anderson (randerson@csg.org)

In the coming years, the Midwest’s legislators are likely to hear much more about and be asked to act on a range of issues surrounding education accountability. How well are elementary and middle schools doing on our state’s measures of academic growth among all students, at all learning levels? Are our high schools adequately preparing young people for success in college and/or careers? Do our schools provide for a well-rounded education and a climate conducive to learning? How prevalent is chronic absenteeism among our state’s students, and what policies can reduce it? What type of state interventions have helped turn around the lowest-performing schools? These issues aren’t new, and certainly policymakers have tried to tackle them in the past, but they will get even more attention because of the Every Student Succeeds Act (ESSA) and, in particular, new state plans in this region to implement it. This 2015 federal law (along with some of the waivers granted to states under its federal predecessor, the No Child Left Behind Act) has ushered in a new era in the state-federal relationship on education — more flexibility for states, including new options for evaluating schools and intervening in low-performing ones.

“We’re not seeing any cookie-cutter plans,” Abigail Potts, director of college, career and civic readiness for the National Association of State Boards of Education, says about the state ESSA plans, which had to be submitted in September to the U.S. Department of Education. “They’re all pursuing equity and excellence in education, but they all reflect different state priorities and visions.”

There are, however, some notable trends emerging in school accountability across the states. Here is a look at some of them.

The move beyond proficiency

In August, Illinois became the first Midwestern state to have its ESSA plan approved by the U.S. Department of Education. One of the big changes in Illinois will be a shift away from evaluating schools largely on their percentage of students who have reached levels of proficiency (based on their standardized test scores in math and reading). Instead, for K-8 schools, Illinois will focus more on student progress — comparing test scores from one year to the next to see how much a student has grown academically, regardless of whether he or she has reached proficiency. Under Illinois’ new accountability system, academic growth will receive more than two times the weight as proficiency: 50 percent of the state’s total evaluation of K-8 school performance vs. the weight of 20 percent given to levels of student proficiency in math and English/language arts. The Illinois proposal stands out among ESSA plans for how much it stresses academic growth, says Brendan Wright, editorial director of the Fordham Institute. However, he adds that every state will now be using academic growth (to varying degrees) as part of its overall assessment of the performance of elementary and middle schools.

“In the early years of No Child Left Behind, that wasn’t a part of state accountability systems at all,” Wright says. “Under the Every Student Succeeds Act, it wasn’t a requirement. But it’s what states have chosen as another academic indicator [besides the mandate that they still track rates of proficiency].”

“That is a huge improvement.” As a result, schools will get credit when their children make significant academic progress, even if those students haven’t yet reached proficiency. Many states, too, will give schools credit when students move beyond proficiency to higher levels of achievement (“advanced,” for example). “Before, schools and teachers were incentivized to focus on ‘bubble kids’ — those students just around that line of proficiency,” Wright says. In contrast, many of the new accountability systems will reflect how well schools are helping all levels of learners. In South Dakota, for example, academic
Economic Development

Tax incentive package for new Wisconsin component plant promises jobs, raises questions

In August, Wisconsin lawmakers advanced an economic incentive bill (ASA 1) to forge a deal with computer component manufacturer Foxconn to build a new facility in the state. The Taiwanese firm, which supplies companies such as Apple, Google and Amazon, announced in July its desire to locate a $10 billion factory employing up to 13,000 people in southeastern Wisconsin. With the number of potential jobs and 20 million square feet of floor space, the facility, which will primarily produce flat screen LCD displays, would be one of the largest manufacturing campuses in the world.

The proposed incentives would include tax credits and exemptions on the state’s construction sales tax. The plan, which has been approved by the Wisconsin Assembly (the Senate had not voted on the bill as of the time of publication) would give Foxconn $3 billion in refundable tax breaks over the next 15 years. “The incentive package is “pay-as-you-grow,” explains Rep. Joan Ballweg, a member of the committee that held public hearings on the bill. “Foxconn will receive tax incentives based on how many jobs they create and how much they invest in the facility.”

According to the bill, a credit would only be given for jobs paying at least $30,000 per year with benefits. The average salary is expected to be about $54,000. “There are also claw-back requirements to protect taxpayers if Foxconn were to ever stop doing business in Wisconsin,” says Ballweg.

Despite the promise of so many new jobs and the payback provisions, some worry about the investment of public dollars in private companies and have asked how long it will take the state to make its money back. The Wisconsin Legislative Fiscal Bureau estimates a payback time of 20 years, but says this does not include the impact of spin-off businesses resulting from the plant. An Ernst & Young report assessing the incentives’ potential impact estimates that 35,000 new jobs could be realized as a result of the facility’s indirect benefits, including its construction. Also, Foxconn has estimated the facility’s annual payroll at $700 million and said it would purchase $1.4 million per year in goods from Wisconsin firms for its supply chain.

“When you account for all the other ways Foxconn will have an impact on the state, … it puts Wisconsin on the global map and is adding an entirely new industry to the state and country,” Ballweg says, “I am confident the state will see a worthwhile return on its investment.”

In light of the state’s low unemployment and shortage of skilled workers, it is likely that some workers will come over from Illinois (where unemployment is higher), decreasing income tax revenue in Wisconsin. To ensure a pipeline of qualified Wisconsin workers, the bill includes $20 million in workforce training funds.

Agriculture & Natural Resources

States search for strategies to resolve conflicts between livestock farms, neighbors

Intensive animal production is an $86 billion industry, but growing conflicts between confinement livestock farms and some neighbors has spilled over into legislatures across the Midwest. Indiana Sen. Susan Glick, chair of an interim committee studying whether there is a need for special regulations for concentrated animal-feeding operations, is among those seeking ways to “bridge a divide between modern livestock farmers and some rural communities” over farm siting.

The clustering of cattle, hogs or poultry makes selection of locations for larger farms critical. Geology, ground and surface water, roads, neighbors and wind direction all factor into siting decisions.

If nutrients will be released into water, the farm will need a federal permit. That permitting authority has been delegated to states, but less than 2 percent of livestock farms discharge from their property. States are also responsible for regulating siting, manure application and environmental ordinances for livestock farms, and vary greatly in how they regulate them.

Wisconsin Sen. Janis Ringhand says, “Local governments in my district would like control over livestock siting because of the peculiarities of the geography of the karst soil.” But the Dairy Business Association of Wisconsin is suing the state, claiming that its pollution requirements are tougher than federal law. Wisconsin law provides uniform requirements for confinement operations that cannot be exceeded by local law and strongly protects those farms from lawsuits.

This is one of three ways state legislatures can preempt local control of CAFO siting; states can also prohibit some degree of local zoning or health ordinances for agricultural operations, or they can use strong “right to farm” laws to supersede local ordinances. Under Ohio’s zoning law, townships can’t prohibit the use of land for agriculture or the construction or use of livestock buildings; however, Rep. John Patterson says, Ohio’s own program ensures that CAFOs have the best management practices.

The Taiwanese firm, which supplies companies such as Apple, Google and Amazon, announced in July its desire to locate a $10 billion factory employing up to 13,000 people in southeastern Wisconsin. The facility, which will produce flat screen LCD displays, would be one of the largest manufacturing campuses in the world.

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Mexico and South Dakota, local governments have broad constitutional zoning powers, but both states require permits for water usage beyond set levels. Minnesota also requires a full environmental review for farms with more than 1,000 animals.

And in Nebraska, which also has local control, LB 106 (2015) directed the development of a voluntary matrix for counties making siting decisions. Brief written by Laura Tomaka, staff liaison to the Midwestern Legislative Conference Economic Development Committee. She can be reached at ltomaka@csg.org. The committee’s co-chairs are Michigan Sen. Ken Horn and Illinois Rep. Elgie Sims; its vice chair is South Dakota Sen. Kevin Killer.

Brief written by Laura Tomaka, staff liaison to the Midwestern Legislative Conference Agriculture & Natural Resources Committee. She can be reached at corr@arl.us. The committee’s co-chairs are Iowa Sen. Kevin Kinney and Minnesota Rep. Paul Anderson, and its vice chair is Illinois Rep. Norine Hammond.
Nebraska law aims to keep people out of jail for inability to pay bail bonds, fines

Nebraska lawmakers are hoping a new law will reduce the number of individuals being housed in county jails due to the financial inability to pay bail bonds or court-ordered fines and fees.

Sen. Matt Hansen says he initially became concerned about the increasing jail population when he heard that the county jail built in his district in 2013 was already approaching capacity. He learned that many of the individuals being held hadn’t actually been sentenced to jail time — they either couldn’t make their bail and were awaiting trial, or couldn’t pay a fine or fee.

Hansen, who sponsored the enacting legislation (LB 259), says he was especially troubled by one story he heard about a man who received a $150 ticket for possession of an open container of alcohol. “[The man] was homeless and completely indigent, so $150 may as well have been a million dollars. He had to spend a couple days in jail for a crime that held no jail time,” says Hansen.

Under the previous law, individuals could earn $90 credit per day toward their debts. LB 259 increased the credits earned per day to $150, and also requires courts to consider a defendant’s financial ability to pay when setting bonds, fines and fees.

If a judge determines the person is unable to pay, he or she may either impose a sentence with no jail time — they either can’t make their bail and are awaiting trial, or can’t pay a fine or fee. If a judge determines the person is unable to pay, he or she may either impose a sentence with no jail time — they either can’t make their bail and are awaiting trial, or can’t pay a fine or fee.


Brief written by Katelyn Yte, CSG Midwest staff liaison to the Midwest Legislative Conference Criminal Justice and Public Safety Committee. She can be reached at ktye@csrg.org. The committee’s co-chairs are Illinois Sen. Mattie Hunter and Ohio Rep. Nathan Manning, and its vice chair is Nebraska Sen. Laura Ebke.

Great Lakes

New plan to keep Asian carp out of the Great Lakes would cost $275 million

Less than two months after a silver carp (one of four species of Asian carp) was found nine miles from Lake Michigan and beyond the three electric barriers designed to prevent their movement, the U.S. Army Corps of Engineers unveiled a plan that would add a new layer of protection for the Great Lakes.

For a cost of $275 million, the Corps says, a mix of structural barriers and other control measures could be installed at the Brandon Road Lock and Dam. The federal agency released its “tentatively selected plan” in August and is taking public comments through Oct. 2.

Asian carp already have caused great harm to the Mississippi River ecosystem, and their introduction into the Great Lakes could decimate native fish populations.

In response to the threat, Great Lakes states and provinces have partnered with federal agencies (through the Asian Carp Regional Coordinating Committee) on a mix of control strategies, such as the construction of electric barriers, enhanced monitoring, and the mass removal of Asian carp in the Upper Illinois Waterway.

Kevin Irons, aquatic nuisance species program manager for the Illinois Department of Natural Resources, says the June discovery of the silver carp beyond the barriers was “surprising,” and it’s not known how this fish got to the Little Calumet River.

But he adds that subsequent findings have been reassuring, including the fact that no additional carp were caught or seen, even after the extensive use of electrofishing and contract netting that captured more than 20,000 fish after the original discovery in June.

Also, Irons said, with all the added monitoring in place since 2010, only two Asian carp have been found above the barrier.

“I am very confident that we’ve got the latitude, and the help we need with federal funding, to put in place the best defense against Asian carp,” he says.

But is the current strategy enough to adequately protect the Great Lakes?

That will be one of the questions policymakers to consider as they decide what to do, if anything, at Brandon Road. The Army Corps’ study was years in the making, and its release was delayed for several months.

“The [Trump] administration sat on it in reaction to pressure from industry groups and officials from the states of Illinois and Indiana,” the Alliance for the Great Lakes and other conservation groups said in August after release of the study.

Sixty-five members of The Council of State Governments’ nonpartisan Great Lakes Legislative Caucus urged release of the study in a July letter signed by Michigan Rep. David Murtaugh, a member of the caucus’s Executive Committee.

According to the Army Corps, its tentatively selected plan offers the best chance of keeping Asian carp out of the Great Lakes while still continuing navigation in the Chicago Area Waterway System.

But the Corps study points out several “unresolved issues.”

Those include concerns about the plan’s impact on commercial shipping as well as the need to secure federal funding and to find a “nonfederal sponsor” that pays for 35 percent of engineering costs (required under U.S. law).

Though the project would be done in Illinois, that state is unlikely to serve as the nonfederal sponsor. Earlier this year, in an article for the Chicago Tribune, Illinois Lt. Gov. Evelyn Sanguinetti warned that new Asian carp controls at Brandon Road would disrupt commercial navigation and damage the region’s economy.

Midwestern jail populations and average length of stay, 2013

<table>
<thead>
<tr>
<th>State</th>
<th># of people under jail supervision</th>
<th>Average estimated length of stay (in days)</th>
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<tr>
<td>Illinois</td>
<td>23,176</td>
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<tr>
<td>Indiana</td>
<td>15,065</td>
<td>23</td>
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<tr>
<td>Iowa</td>
<td>8,094</td>
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<tr>
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<td>14,342</td>
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<tr>
<td>Nebraska</td>
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<td>18</td>
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<tr>
<td>Ohio</td>
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</tr>
<tr>
<td>Wisconsin</td>
<td>12,417</td>
<td>21</td>
</tr>
</tbody>
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Source: U.S. Bureau of Justice Statistics

Criminal Justice & Public Safety

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The number of people under 18,652.

CSG Midwest provides staffing services to the Great Lakes Legislative Caucus, a nonpartisan group of lawmakers from eight U.S. states and two Canadian provinces. The caucus chair is Wisconsin Rep. Cory Mason. More information on the caucus is available at www.greatlakeslegislators.org.

What’s at stake? Annual dockside value of U.S. harvest from commercial fishing in Great Lakes*

<table>
<thead>
<tr>
<th>Lake</th>
<th>Dockside value**</th>
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<tr>
<td>Lake Michigan</td>
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</tr>
<tr>
<td>Lake Erie</td>
<td>$5.0 million</td>
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<tr>
<td>Lake Huron</td>
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<tr>
<td>Lake Superior</td>
<td>$4.0 million</td>
</tr>
<tr>
<td>Lake Ontario</td>
<td>$32,000</td>
</tr>
<tr>
<td>All Great Lakes</td>
<td>$22.5 million</td>
</tr>
</tbody>
</table>

* In addition to commercial fishing, the Great Lakes fishery supports:
  1) About 65 million recreational fishing trips every year (economic value of $1.1 billion).
  2) More than 1,300 active charter captains (3.54 million in annual revenues).
  3) Hundreds of pro-fishing tournaments, and
  4) Subsistence fishing for Native American tribes.

** Data do not include Canadian harvests

Source: U.S. Army Corps of Engineers, Great Lakes and Mississippi River Interbasin Study

Brief written by Tim Anderson, who can be reached at tanderson@csrg.org. CSG Midwest provides staffing services to the Great Lakes Legislative Caucus, a nonpartisan group of lawmakers from eight U.S. states and two Canadian provinces. The caucus chair is Wisconsin Rep. Cory Mason. More information on the caucus is available at www.greatlakeslegislators.org.
There is an issue left that can unite all colors of our political rainbow, it might be occupational licensing reform.

Think tanks from the Brookings Institution to the Institute for Justice support state-level reforms to reduce the licensure barriers for those seeking to open their own businesses or work across state lines.


In the Midwest, Michigan in 2015 enacted SB 372, which established reciprocity for firefighters from other states, so long as their training meets or exceeds Michigan’s training requirements. In 2016, Nebraska enacted LB 898, exempting people who engage in natural hair braiding from having to get a cosmetology license. South Dakota (HB 1048) and Indiana (HB 1243) enacted similar legislation this year.

Indiana Gov. Eric Holcomb also signed HB 1394 into law on April 27, requiring local governments to waive their occupational license fees/taxes for veterans, military personnel on active duty, or the indigent.

Nebraska’s unicameral legislature this year approved six bills, all signed by Gov. Pete Ricketts, streamlining some occupational and licensure requirements (LB 16 and LB 88), adopting the Interstate Medical Licensure and Nurse Licensure compacts (also LB 88), making licensing optional for executive bank officers at state-chartered banks and loan officers at credit unions (LB 140), and eliminating license requirements for motor vehicle salespeople (LB 346).

In Wisconsin, pending AB 369 would create an “Occupational License Review Council” to review current licenses and make recommendations for modification or elimination of licenses, while AB 370, also pending, would create a “self-certification” registry that would let people certified by state-approved support organizations use the title “state certified” in their practices.

Comacts to the rescue?

The Council of State Governments is working with the National Conference of State Legislatures and the National Governors Association’s Center for Best Practices on a three-year project entitled “Occupational Licensing: Assessing State Policy and Practice,” with the goal of enhancing the portability of occupational licenses via an interstate compact.

The project, which began this summer, will identify licensing criteria to ensure that existing and new licensing requirements are not overly broad, burdensome or restrictive, and that they do not create unnecessary barriers to labor market entry, and improve the portability and reciprocity provisions for selected occupations across state lines.

The project will identify and evaluate the licensing requirements for 34 occupations across all 55 states and territories.

A comparison report will look at the criteria — including work experience requirements, fees and applications, personal background documentation, licensure portability and other requirements — for each of the 34 occupations.

This research will result in the “National Occupational Licensure Report,” due in December. Reports on special populations such as military spouses and veterans, unemployed or dislocated workers, immigrants with work authorization and individuals with criminal records, are scheduled for delivery in July 2018.

A final report and a process to establish an interstate compact are due in December 2019. According to CSG’s National Center for Interstate Compacts, active licensure compacts include:

- The Enhanced Nurse Licensure Compact which allows RNs and licensed practical/vocational nurses with a license in a participating state to practice in any other participating state, with 26 member states including Iowa, Nebraska, North Dakota and South Dakota.
- REPLICA (the Recognition of EMS Personnel Licensure Interstate Compact), with 11 states including Kansas. Enabling legislation was introduced in Minnesota (HF 324) but stalled in committee.
- The Physical Therapist Licensure Compact, with 14 states including North Dakota.
- The Interstate Medical Licensure Compact, which allows qualified physicians to practice medicine in a participating state, with 22 states and 29 medical and osteopathic boards in those states. Participating Midwestern states include Illinois, Iowa, Kansas, Minnesota, Nebraska and Wisconsin.

Legislation to join the IMLC has been introduced in Michigan (HB 4066). Enacting legislation was signed into law in South Dakota in 2015, but the state’s implementation is delayed pending discussions between the compact group and the FBI over criminal background checks required by the compact.

The issue of occupational license portability has been simmering for a while, but has become more prominent as new practitioners enter their professions, says Daniel Logsdon, manager of the NCIC.

“States are taking a methodical, thoughtful approach to this, and that’s the nature of interstate compacts,” Logsdon says. “I think states are coming to realize that if they want the full effect of law and enforceability, interstate compacts have a distinct advantage over model legislation or reciprocity agreements.

Average education/experience required by Midwest states for an occupational license*
When is a lieutenant governor not the lieutenant governor? In Iowa, it seems the answer is when the lieutenant governor becomes governor, and in turn appoints a new lieutenant governor.

The question arose earlier this year after then-Iowa Gov. Terry Branstad was chosen to be U.S. ambassador to China. State Sen. David Johnson in February asked Attorney General Tom Miller for an official opinion on what would happen to the office of lieutenant governor if then-Lt. Gov. Kim Reynolds became governor.

Miller agreed that two constitutional questions were in play: First, if the governor resigns, does the lieutenant governor become governor? And second, if that happens, may the new governor appoint a new lieutenant governor?

He issued his formal legal opinion in May: If a governor resigns, the lieutenant governor becomes governor for all intents and purposes. However, he or she does not have legal authority to appoint a new lieutenant governor because, according to Miller’s reading of Iowa’s Constitution, “Upon the governor’s resignation, the powers and duties of the office will devolve or fall upon the lieutenant governor — who does not ascend or rise to the office of Governor.”

“This opinion conveys that, in a sense, the two offices merge,” Miller said in a press release accompanying the opinion. “This is consistent with numerous cases in other states that addressed this question. It is also consistent with a close reading of the Iowa governor’s succession provision (in the Constitution).”

Reynolds’ solution was to name state public defender Adam Gregg as “acting” lieutenant governor; he’ll carry out the offices administrative and ceremonial functions, but cannot become governor if Reynolds leaves office early. If that should happen, Senate President Jack Whitver would become governor, being third in line in succession under the Iowa Constitution.

Miller’s opinion notes that in all four previous instances when an Iowa governor resigned or died while in office, the lieutenant governor was always considered governor, but never appointed or named a new lieutenant governor.

Julia Harst, executive director of the National Lieutenant Governors Association, says it’s not uncommon for states to examine or re-examine their succession laws when a lieutenant governor replaces a governor. “The Iowa succession situation was reflective of national history and events regarding gubernatorial succession,” she says.

California’s 2003 recall of Gray Davis, for example, forced a look at whether the recall law would supercede the normal line of succession in picking his replacement; in other words, would Davis’ lieutenant governor, Cruz Bustamante, become governor, or would a new election be held? A court eventually ruled that the recall law would prevail, and Arnold Schwarzenegger subsequently bested a 135-candidate field.

The recent situation in Iowa also raises questions about what happens when vacancies occur in the lieutenant governor’s office. In some states, state constitutions provide clear direction.

In Illinois, for example, the office “remains vacant until the end of the term.” This is what occurred in 2009, when Lt. Gov. Pat Quinn took over from impeached/convicted Gov. Rod Blagojevich.

Minnesota’s Constitution spells out that the Senate president pro tempore ascends to the office of lieutenant governor when a vacancy occurs. States such as Ohio and South Dakota call for the governor to nominate and the legislature to nominate a new lieutenant governor. In North Dakota in 2010, Lt. Gov. Jack Dalrymple replaced Gov. John Hoeven after the latter became a U.S. senator, and named then-U.S. Attorney Drew Wrigley as lieutenant governor.

Now Kansas may be next to have this discussion. Gov. Sam Brownback was named by President Trump on July 26 to serve as the U.S. “Ambassador at-Large for International Religious Freedom.” If he is confirmed by the U.S. Senate, Lt. Gov. Jeff Colyer would succeed him.

Capital Closeup is an ongoing series of articles focusing on institutional issues in state governments and legislatures. Previous articles are available at csgmidwest.org.

QUESTION: Do states in the Midwest prohibit suspensions of driver’s licenses for failure to pay fines or fees?

In 2013, the Washington State Legislature authorized a civil collection process for unpaid traffic fines, which replaced a requirement that the state suspend a person’s driver’s license for failure to pay a traffic violation.

Under similar legislation enacted in California this year (AB 103), county or court collection programs may not initiate a driver’s license suspension due to failure to pay a fine or penalty, except in the case that an individual fails to appear at a hearing. In addition, the law repealed the authority of the court to notify the Department of Motor Vehicles of a person’s failure to pay a fine or bail, with respect to various violations relating to vehicles, thus removing the requirement for the department to suspend a person’s driver’s license upon receipt of that notice.

In the Midwest, a Nebraska law (LB 259) enacted this year allows residents to request a hearing if they believe they do not have the financial ability to pay for a traffic ticket. The courts may then vacate the fine, or allow the person to enter into a payment plan or complete community service instead of paying the cost in full. Previously, the state Department of Motor Vehicles was required to suspend the operator’s license of anyone who failed to pay a citation.

This year, Illinois lawmakers introduced, but did not pass, legislation (SB 1614) that would have prohibited the suspension or cancellation of driver’s licenses due to the failure to pay fines or penalties related to violations of vehicle standing, parking and compliance regulations, and road tolls. It would also have required the secretary of state to reinstate driver’s licenses that had previously been suspended or cancelled due to a failure-to-pay.

There have also been a number of recent court challenges against states that suspend driver’s licenses under failure-to-pay policies. In May, courts in Michigan that argues the state’s practice of suspending driver’s licenses for unpaid court fees is unconstitutional because of its disproportionate impact on low-income residents. Similar lawsuits were filed this year in Virginia and Tennessee and were still in litigation at the time of publication.

A 2013 report by the American Association of Motor Vehicle Administrators recommended that legislatures repeal laws requiring the suspension of driving privileges for violations not related to highway safety. The report argued that suspending licenses for non-traffic violations, such as bounced checks and vandalism, creates an undue burden on departments of motor vehicles, law enforcement, the courts and society as a whole.

Article written by Katelyn Tye (kt@eye@csg.org), a CSG Midwest senior policy analyst. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csg.org or 630.925.1922.
States taking a more holistic approach to evaluating school, student performance

Growth will be a stand-alone indicator for evaluating K-8 schools and also will be incorporated into a second indicator — the state’s measure of academic achievement. South Dakota schools will get partial credit for moving students toward proficiency and “bonus” points for getting students to the highest level of achievement.

“Our goal is to recognize schools that help kids along the whole spectrum,” says Laura Schiebe, deputy director of the South Dakota Department of Education.

**Focusing on life after high school**

Under the Every Student Succeeds Act, high schools have to be measured on indicators such as graduation rates and the proficiency of students on math and English/language arts tests.

A “nonacademic indicator” must be used as well, and many states are fulfilling this requirement with a focus on college and career readiness.

As one example, North Dakota has added a “Choice Ready” component to its accountability system. It measures how well each high school has done in preparing students to pursue the option of their choice upon graduation — whether that is college, a career, or the military.

For college readiness, this means looking at a combination of grade-point average and ACT scores, as well as participation in Advanced Placement and dual-credit college courses, among other measurements. For career readiness, North Dakota’s indicators include successful participation in a career-and-technical-education field of study, as well as a student’s scores on the WorkKeys assessment, completion of a work-based learning experience, and/or securing an industry credential.

For “military ready,” the indicators include levels of physical fitness and an individual’s score on the ASVAB, a test used to predict military success.

In South Dakota, college and career readiness already has made up a significant part of the state’s evaluation of high schools. (That state uses a 100-point School Performance Index, and for high schools, college and career readiness has counted for 30 of those points.)

Now, though, instead of just using assessments such as the ACT, Smarter Balanced or WorkKeys, South Dakota will consider the classes that students take and complete while in high school.

“If kids have taken the equivalent of their freshman year in college while still in high school, regardless of whether they have taken the ACT or not, that’s a good indicator that they are ready for college,” Schiebe says.

“We now give schools credit for it.” Likewise, schools will be recognized for students’ successful completion of career-and-technical-education courses.

**Tracking, counting student attendance**

In fulfilling a federal requirement to integrate one quantifiable, nonacademic indicator into their school accountability systems (college and career readiness is one such indicator, but it only applies to high schools), states considered a number of possibilities. One common choice has been to include “chronic absenteeism,” defined by the U.S. Department of Education as missing at least 15 days of school in a year. Students who miss this many school days, the department says, are less likely to reach early learning milestones and more likely to drop out of high school.

“Everybody acknowledges that having kids attend school and being in their seats is important; there isn’t any controversy about that,” Schiebe says.

The debate in South Dakota, and across the country, has been over whether it’s fair to evaluate the quality of a school based on the attendance levels of students.

“How much control do schools have over that?” Schiebe says of the question being asked about that indicator.

But for now, student attendance will be used by South Dakota as its sole “nonacademic indicator” of the quality of its K-8 schools. (It is not part of the evaluation of South Dakota’s high schools.)

In future years, Schiebe adds, the state will look to incorporate other measures into that nonacademic/school quality indicator.

Other states in the Midwest provide examples of what else could be included.

Under Illinois’ ESSA plan, chronic absenteeism is one of several nonacademic indicators used to evaluate school quality. The others include surveys of students about their school’s culture and climate, the state’s evaluation of high schools and SAT/ACT scores.

Of the other measures that states have considered or used, some that won’t be a part of the state’s system include:

- Episodes of violence in K-12 schools (Colorado’s nonacademic indicator)
- Dropout rates.
- Graduation rates (Boston’s nonacademic indicator)
- Teacher qualifications (Illinois’s nonacademic indicator)
- Student perceptions of school climate
- Student and teacher surveys of school climate
- A formal process for identifying schools in need of improvement

**School accountability checklist: Direction for states under federal Every Student Succeeds Act**

- **MEASURE STUDENT, SCHOOL PERFORMANCE** — States must collect, report and use data to evaluate their schools as well as the progress being made by all students and certain subgroups of students. However, in comparison to the No Child Left Behind Act, a wider mix of performance data will be considered, and states are given more flexibility in how to evaluate their schools.

- **USE STANDARDIZED TESTS** — The academic proficiency of students, as measured by their scores on standardized tests in English/language arts and math, must be part of states’ accountability systems for K-12 schools. Third- through eighth-graders, as well as either 10th-, 11th- or 12th-grade students, will be assessed in these two subject areas. Students also will take a science test — once in elementary school, once in middle school and once in high school.

- **FOCUS ON ENGLISH-LANGUAGE LEARNERS** — All schools must be evaluated on how well they’re advancing English-language learners toward proficiency.

- **INCORPORATE OTHER ACADEMIC INDICATORS** — High schools must be evaluated in part on graduation rates. In addition, states need at least one other academic indicator (beyond graduation rates, achievement on standardized tests and the proficiency of English-language learners) to assess their schools. For elementary and middle schools, many states are emphasizing student academic growth (based on yearly improvements on standardized tests).

- **INCLUDE A MEASURE OF SCHOOL QUALITY/STUDENT SUCCESS** — Ideas for fulfilling this requirement include a college and career readiness indicator, student attendance and surveys of school climate. (See table on page 7 for examples from the Midwest.)

- **WEIGHT THE INDICATORS** — States decide how to weigh each indicator of school performance in its overall evaluation of school performance. A state accountability index is then used to identify schools in need of improvement.

- **IDENTIFY, HELP SCHOOLS** — States must intervene in the following schools: those with low graduation rates (67 percent or lower), poor overall performance (rating in the bottom 5 percent of schools according to a state’s accountability index), or poor performance levels among one or more student subgroups. The types of interventions are left largely to the states, though evidence-based strategies must be used.

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**Chronic absenteeism in U.S. schools: % of students who missed 15 days or more of school in a year (2013-14)**

<table>
<thead>
<tr>
<th>Group</th>
<th>Absenteeism Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>All students</td>
<td>10.9%</td>
</tr>
<tr>
<td>Elementary</td>
<td>12.6%</td>
</tr>
<tr>
<td>Middle school</td>
<td>16.2%</td>
</tr>
<tr>
<td>High school</td>
<td>18.7%</td>
</tr>
<tr>
<td>All white students</td>
<td>18.1%</td>
</tr>
<tr>
<td>All black students</td>
<td>19.7%</td>
</tr>
<tr>
<td>All Hispanic</td>
<td>19.9%</td>
</tr>
<tr>
<td>All Asian</td>
<td>16.5%</td>
</tr>
<tr>
<td>All American Indian</td>
<td>10.5%</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Education

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**Every Student Succeeds in the Midwest**

This article is the first of a two-part series in Stateline Midwest examining state implementation of the Every Student Succeeds Act. Next month’s article will look at the role of state legislators in overseeing ESSA implementation and shaping their states’ school accountability systems.
percentage of students enrolled in a fine arts class, and the rate of ninth-graders on track to graduate.

Under Iowa’s draft ESSA plan, the results of a Conditions for Learning survey will be a sig-ificant part of the state’s overall accountability system. Students, parents and staff participate in this survey, which includes questions about the school’s safety and overall learning environment. The inclusion of indicators such as chronic absenteeism and school climate reflects one of the big changes in the Every Students Succeeds Act as compared to No Child Left Behind: States are looking beyond just test scores and taking a more holistic approach to their evaluation of schools.

**Searching for successful interventions**

Under the ESSA, with their new accountability plans and indexes in place, states must then iden-tify schools in need of improvement, namely:

- schools in the bottom 5 percent of all of the state’s schools in terms of performance (based on the indicators and indexes established by the state itself);
- high schools with graduation rates of 67 percent or less; and
- schools where certain subgroups of students (race, gender, socioeconomic status, English language learners, etc.) are performing poorly.

The types of interventions are largely left to states, so long as they are “evidence-based.”

“ESSA provides for a really robust needs assessment, where you have time to find the root causes [of low achievement or performance in a school],” Potts says.

In Illinois, once those root causes are identified, improvement plans for each school are implemented, and additional state resources are provided. Michigan already has begun to use a “partnership model” for its low-performing/high-needs schools. The state provides support to local school districts as they create a plan to improve student outcomes. Academic success is the primary focus, but as in Illinois, Michigan’s model also emphasizes the need to address the needs of the “whole child” — health, nutrition, behavior and social/emotional development.

**Midwestern states’ vision for evaluating school performance**

Under the Every Student Succeeds Act, states must include a mix of academic and nonacademic indica-tors in their accountability systems for K-12 schools (see page 6 story for details). Certain indicators are required: the percentage of students who have reached proficiency in English/language arts and math (based on standardized test scores); the progress of English-language learners in reaching proficiency; and, for high schools, the graduation rates of students.

Beyond these requirements, states have flexibility to establish their own indicators. In the Midwest, every state has included the academic growth of students (as measured on standardized tests) in its evaluation of elementary and middle schools. At least six states in this region — Iowa, Kansas, Michigan, Nebraska, North Dakota and Ohio — also plan to incorporate academic growth/progress into their accountability systems for high schools. Kansas and Ohio have made the closing of achievement gaps another stand-alone measure for evaluating the performance of schools.

Even more variation can be found in how states plan to meet the federal requirement for a nonacademic indicator — a measurement of “school quality” or “student success” (see table). In the Midwest, most states have chosen to focus in part on student attendance and chronic absenteeism, as well as how well high schools are preparing young people for life after high school.

As part of their nonacademic indicators, some states also plan to survey students about their school’s climate, give schools credit for providing a well-rounded education, evaluate discipline policies, and track the rate of ninth-graders on track to graduate.

<table>
<thead>
<tr>
<th>‘Nonacademic indicators’ for measuring school quality under states’ draft or final Every Student Succeeds Act plans</th>
<th>Elementary and middle schools</th>
<th>High schools</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ILLINOIS</strong></td>
<td>Chronic absenteeism</td>
<td>Chronic absenteeism</td>
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<tr>
<td></td>
<td>Survey of school climate</td>
<td>Survey of school climate</td>
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<tr>
<td></td>
<td>Readiness levels of students for future academic success</td>
<td>Rate of 9th-graders on track to graduate</td>
</tr>
<tr>
<td></td>
<td>Participation in fine arts classes</td>
<td>College and career readiness</td>
</tr>
<tr>
<td><strong>INDIANA</strong></td>
<td>Attendance rates</td>
<td>Participation in fine arts classes</td>
</tr>
<tr>
<td></td>
<td>Assessment of school culture/climate</td>
<td>Postsecondary and workforce readiness</td>
</tr>
<tr>
<td><strong>IOWA</strong></td>
<td>Student participation in state assessments</td>
<td>Student participation in state assessments</td>
</tr>
<tr>
<td></td>
<td>Conditions for Learning Survey</td>
<td>Conditions for Learning Survey</td>
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<tr>
<td></td>
<td></td>
<td>Postsecondary readiness</td>
</tr>
<tr>
<td><strong>KANSAS</strong></td>
<td>Measure of student success (based on decrease in number of students at low-performing levels)</td>
<td>Measure of student success (based on decrease in number of students at low-performing levels)</td>
</tr>
<tr>
<td><strong>MICHIGAN</strong></td>
<td>Participation in statewide testing</td>
<td>Participation in statewide testing</td>
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<td></td>
<td>Chronic absences</td>
<td>Chronic absenteeism</td>
</tr>
<tr>
<td></td>
<td>Time spent in fine arts and physical education classes</td>
<td>Participation in advanced coursework</td>
</tr>
<tr>
<td></td>
<td>Access to a library media specialist</td>
<td>Postsecondary enrollment</td>
</tr>
<tr>
<td><strong>MINNESOTA</strong></td>
<td>Consistent attendance</td>
<td>Consistent attendance</td>
</tr>
<tr>
<td></td>
<td>Well-rounded education</td>
<td>Well-rounded education</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Career and college readiness</td>
</tr>
<tr>
<td><strong>NEBRASKA</strong></td>
<td>Chronic absenteeism</td>
<td>Chronic absenteeism</td>
</tr>
<tr>
<td></td>
<td>“Evidence-based analysis” of school quality</td>
<td>“Evidence-based analysis” of school quality</td>
</tr>
<tr>
<td><strong>NORTH DAKOTA</strong></td>
<td>Student Engagement Survey</td>
<td>Choice Ready (students prepared for college, career or military option upon graduation)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Student Engagement Survey</td>
</tr>
<tr>
<td><strong>OHIO</strong></td>
<td>Chronic absenteeism</td>
<td>Chronic absenteeism</td>
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<tr>
<td></td>
<td>School discipline (suspensions/expulsions)</td>
<td>School discipline (suspensions/expulsions)</td>
</tr>
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<td></td>
<td>K-3 literacy improvement</td>
<td>College and career readiness</td>
</tr>
<tr>
<td><strong>SOUTH DAKOTA</strong></td>
<td>Student attendance</td>
<td>High school completion rate</td>
</tr>
<tr>
<td><strong>WISCONSIN</strong></td>
<td>Chronic absenteeism</td>
<td>Chronic absenteeism</td>
</tr>
</tbody>
</table>
Some colleagues have been known to call her “mother.” Rep. Kathy Kreag Richardson jokes that she sometimes thinks of herself as “cat herder.”

But her actual leadership title is majority caucus chair, and her ascension to the position in 2000 made Richardson something else — a trailblazer.

She was the first woman in her state’s history to be elected to a leadership post in the Indiana House. Seventeen years later, Richardson continues to hold the post and value her role in guiding legislative policy, building relations among lawmakers and staff, and helping her caucus’s newly elected members.

“You spend a lot of time making sure the new members, and all of the members, are successful, probably even more than you think about your own successes,” Richardson says.

Over the past nearly two decades, too, she has been part of a leadership team that has helped solidify Republican control of the Indiana General Assembly. Richardson entered the state House in 1993 when her party was in the minority; it now enjoys super-majority control of that same chamber.

“I’ve enjoyed being part of that team,” she says, “sitting in the room where we’re planning out our agenda for the year or working out a particular policy.”

Richardson’s decades-long connection to Indiana government dates back to her teenage years, when, at the age of 19, she took a job as a deputy clerk in Hamilton County. That led to a successful run for the elected position of county clerk (she held the position for two terms).

Then, in 1991, when the local Indiana House representative decided to call it quits and wanted to find a successor, he thought of Richardson, a former student in his American government class.

To find a successor, he thought of Richardson, a former student in his American government class.

Because of that outside work, Richardson soon became a leader inside the Capitol on elections-related issues — a familiar experience for others who have been part of a leadership post in the Indiana House floor. It’s really a great opportunity.

“So we bit the bullet and worked very hard on that project. Sometimes you win, sometimes you lose. You get a niche and they never let you out,” Richardson jokes. “Our insurance folks in the legislature help with insurance issues, our bankers with banking issues, and so on. For me, that’s been elections and county government.”

“Getting you a niche and they never let you out,” Richardson jokes. “Our insurance folks in the legislature help with insurance issues, our bankers with banking issues, and so on. For me, that’s been elections and county government.”

She has been a part of legislative measures that created online voter registration in Indiana, required the centralized counting of absentee ballots, and established countywide vote centers. She also has served a leading role in the state’s redistricting process.

In a recent interview with CSG Midwest, Richardson reflected on her career in Indiana government, her legislative accomplishments, and her outreach efforts for constituents. Here are excerpts:
Ohio bill would erase convictions of trafficking victims forced into crime

Sponsor: ‘Modern-day slavery’ survivors need help to rebuild lives

by Ohio Rep. Jonathan Dever

History is replete with examples of rearview-mirror governing, in which elected leaders seek to find short-term, narrow solutions to pre-existing problems. Seldom do we have a chance to look through the windshield of policy-making, focusing on a long-term solution for those who need it most.

One example in which we see this playing out today is in providing for the wide-ranging needs of human-trafficking survivors. These individuals deserve more than mere neutrality from their government leaders. They need a real second chance at life.

Human trafficking is modern-day slavery, and it victimizes millions of innocent people around the globe. The International Labour Organization, a United Nations agency, estimates that almost 21 million individuals worldwide are victims of forced labor and human trafficking. Based upon estimates, human trafficking is the second-largest transnational illicit trade, behind drug trafficking.

Not just a foreign problem

However, the act of trafficking people does not solely occur in far-off lands, but in our own backyards as well. The ILO estimates that several hundreds of thousands of adults and minors have fallen victim to sex and labor trafficking in the United States. These crises occur in big cities and small towns alike, and survivors often fall victim to traffickers in some of the most public of places: malls, parks and large public gatherings.

Like much of the Midwest, Ohio finds itself in the crosshairs of human trafficking. Gov. John Kasich has established a human-trafficking task force that has made substantial progress in connecting local resources to those most in need.

Over the past five years, the state’s General Assembly has passed several pieces of legislation targeting the ruthless traffickers and making valiant attempts to help those who have fallen victim. With that, there is still much more work to be done.

Oftentimes human trafficking is equated with sex trafficking, but victims can also be forced to commit drug-related offenses or theft, or are forced into labor — something I did not fully grasp until I began to learn more about the issue.

Every human-trafficking survivor deserves a path to restoration and a full, vibrant life unencumbered by a list of convictions for offenses they had no choice but to commit.

Ohio HB 56 aims to expand the list of trafficking-related convictions that can be expunged to help restore the survivors’ dignity and chances for a successful future. Additionally, the legislation allows for intervention in lieu of conviction for any individual charged with prostitution or an associated crime while being compelled into prostitution.

Given the simple concept, I figured the legislation would be simple to author and pass through both chambers. I was mistaken.

Conceptually, most of my colleagues have bought into the idea of giving survivors a true second chance at life, free from the shackles of their past.

Crafting legislation a challenge

However, the application of the legislation has raised many questions, the most challenging being: What convictions can be expunged? The expungable convictions will vary from state to state, but the decision to expunge should not be taken lightly.

After countless months of deliberation, we in Ohio are finalizing the list of these convictions. We continue to make progress through the collaboration of interested parties and the engagement of those currently involved in these types of expungement cases.

Steps have been taken at both the federal and state levels to crack down on human traffickers and to make it easier for survivors to re-enter society. However, as legislators, we must also continue to ease some of these challenges for survivors of human trafficking, which is exactly the reason why I sponsored HB 56.

Although each state will have a different approach to similar legislation, the concept is one that is important to note and easy to replicate with the appropriate stakeholders providing input.

It is true that the more we uncover about the practices, trends and economics of human trafficking, the more we realize just how diligent we must be to combat it. But by continuing to look forward — through the windshield and not the rearview mirror — I am confident that we can make a positive and lasting difference for victims of these terrible crimes against humanity.

Rep. Jonathan Dever, a Republican from Madeira, was first elected to the Ohio House of Representatives in 2014.

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 FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.
Leadership, development program begins new chapter in Minneapolis

In August, 37 Midwestern legislators became the 23rd class to complete the Midwestern Legislative Conference’s renowned leadership program, the Bowhay Institute for Legislative Leadership Development (BILLD).

The 2017 class, which included legislators from 11 Midwestern states and four Canadian provinces, met in Minneapolis for five days of intense training on personal and professional development skills and policy analysis.

Since the program’s inception in 1995, more than 800 regional lawmakers have successfully completed the training, which is designed for newer legislators.

This year marked the first in which the MLC teamed up with its new partner in presenting BILLD — the Center for the Study of Politics and Governance at the University of Minnesota’s Humphrey School of Public Affairs.

In addition to taking part in sessions on consensus building, negotiation, civil discourse, and political communication, BILLD Fellows had opportunities to learn from current legislative leaders in the Midwest, as well as top experts in state government and public policy — all while developing new relationships that cut across partisan, state and provincial lines.

Each year, the bipartisan BILLD Steering Committee awards a select group of legislators fellowships to attend the institute. Here is a list of this year’s graduates (also pictured below):
The Council of State Governments’ Justice Center, in partnership with the Association of State Correctional Administrators, will host a two-day public safety “summit” of lawmakers, corrections, law enforcement and behavioral health officials in Washington, D.C., on Nov. 13-14, 2017. The summit aims to equip leaders from each of the 50 states with a better understanding of the crime, arrest, and correctional system trends in their jurisdictions.

Each state’s “team” will include the director of the department of corrections, a key state lawmaker, a person representing local law enforcement and a local- or state-level behavioral health official. Each team should emerge with opportunities identified to reduce crime and recidivism, improve outcomes for people with mental health and substance use disorders, and to reduce spending on prisons and jails.

The summit’s agenda is divided into three parts: How can states address local public safety challenges? How can states reduce recidivism through effective supervision, services, and reentry strategies? How can states generate savings from cost-effective corrections and sentencing policies to reinvest in public safety?

State-by-state data on crime, arrests, recidivism, correctional populations and other criminal justice system metrics will be developed into analyses that will allow policymakers and state teams to ask practical questions about their state’s policies and practices. Accompanying these analyses (e.g., top 10 states with the highest drug incarceration rate, 10 lowest violent crime clearance rates, or 10 states using the most prison space for sanctioning probation/parole violators) will be state examples of lessons learned, case studies and research-based principles.

Each state team will be encouraged to request a follow-up visit from the CSG Justice Center, where experts will review information presented at the summit to a much larger cross-section of policymakers, practitioners and advocates in that state.

Up to 20 states may be selected for such a follow-up visit. Those states visited will be invited to request additional technical assistance funded by the U.S. Department of Justice’s Bureau of Justice Assistance. For more information about the summit, send email to events@csgjusticecenter.org.

CSG Midwest, South legislators tour U.S.-Canada border facilities in Detroit, Windsor

Legislators from The Council of State Governments’ Midwestern and Southern regions learned about border security and crossing procedures on a visit to Detroit and Windsor, Ontario, hosted by the Canadian Consulate General in Detroit.

Legislators represented the CSG Midwestern Legislative Conference’s Midwest-Canada Relations Committee and the CSG Southern Legislative Conference’s Economic Development, Transportation and Cultural Affairs Committee. MLC participants were Indiana Sen. Ed Charbonneau, Speaker Dave Levac of the Ontario Legislative Assembly, Michigan Sen. Jim Stamas and Member of the Manitoba Legislative Assembly Greg Nesbitt.

The group met with the district director of Canada’s Border Services Agency in Windsor, and the director of field operations of U.S. Customs and Border Protection at the Ambassador Bridge, where they learned about trusted-traveler programs, border management and border security.

A new international bridge will soon be built between Detroit and Windsor, the busiest commercial crossing along the U.S.-Canada border. The group met with officials from the Windsor-Detroit Bridge Authority, and visited the sites where the customs plazas will be located on each side of the border.

The legislators also had the opportunity to meet with U.S. Coast Guard and Royal Canadian Mounted Police officials involved in the “Shiprider” program, and board a Coast Guard vessel for a ride on the Detroit River. Shiprider is an integrated marine defense/law enforcement program permitting RCMP and Coast Guard officers to ride on vessels of the opposite country to which they are attached, and participate in joint law enforcement efforts.
**New Illinois laws aim to ease ex-offenders’ transitions**

Juvenile court records in Illinois that are not expunged will remain sealed under a new law signed by Gov. Bruce Rauner last month. HB 3817, which takes effect on Jan. 1, 2018, also specifies that a juvenile adjudication is not a conviction, and cannot be used to disqualify someone from a civil service position, public office or “from receiving any license granted by public authority.”

Adjudications for forcible felonies, some firearms charges, inducement to commit suicide and dismembering a human body are excluded.

The law, known as the Youth Opportunity and Fairness Act, was one of six measures Rauner signed on Aug. 24.

Also among those bills were measures reducing barriers to occupational licensing (SB 1688); allowing the sealing of records in cases where someone is given supervision for non-violent and non-sexual crimes (HB 2373) or charges resulting in acquittal or dismissal with prejudice (HB 514); and the “Prisoner Reentry Act” (HB 3817), which takes effect on Jan. 1, 2018, and grants by public authority.

The bill also called on the Nebraska Department of Education to develop a model policy in cooperation with the Nebraska State Board of Education, which establishes a 5-year pilot program in the Department of Corrections to teach business skills to inmates not convicted of sex offenses or child pornography.

**Nebraska hopes to keep pregnant, new mothers in high school**

School districts in Nebraska must have policies in place for the 2018-19 school year to accommodate pregnant or parenting students, under a new law that took effect on Aug. 24.

Under LB 427, those policies must, at a minimum, set standards for dealing with pregnancy-related absences and allow students to return to school after pregnancy; provide alternatives to classroom such as tutoring, online courses or accessing coursework from home; provide private lactation accommodations for students who are lactating or breast-feeding; and — for schools that don’t have day care facilities — help students find nearby childcare providers.

The bill also called on the Nebraska Department of Education to develop a model policy incorporating those steps by Dec. 1. U.S. News & World Report cited a department spokesman as saying a model policy is under development.

**Michigan tax incentives designed to lure new, well-paying jobs**

A trio of bills signed into law by Gov. Rick Snyder on July 26 aims to lure new, well-paying jobs to Michigan by allowing new or emerging companies to keep some or all of state income tax withheld from certified new employees, if they meet specific criteria.

Under SBs 242-244, which create the “Good Jobs for Michigan Program,” companies must create at least 125 certified full-time jobs and pay salaries that are 123 percent or more of the prosperity region’s annual wage (Michigan is divided into 10 such regions under Gov. Snyder’s “Regional Prosperity Initiative”) to capture up to 100 percent of withholding for up to 10 years.

The Michigan Strategic Fund can make up to 15 such agreements per year, but none after Dec. 31, 2019. Nor can the fund disburse more than $200 million in total withholding tax captures over the life of the program.

Tax captures will begin from the date a business creates the certified new jobs. Those new jobs must be created within five years of entering the agreement.

Professional sports stadiums, casinos, retail businesses and retail-exclusive parts of other businesses are not eligible to participate in the program.

**Minnesota calls time out on tax reciprocity with Wisconsin**

Minnesota residents who work in Wisconsin will get an income tax credit from their home state after officials in August called off talks to restore a tax reciprocity agreement.

Under the states’ previous agreement, which then-Minnesota Gov. Tim Pawlenty canceled in 2009, each state’s residents who worked in the other state filed state income taxes in their home state only. Wisconsin made annual payments to Minnesota 12 months after the close of each tax year, based on a benchmark study in 1995.

A new study completed in 2013, based on tax returns filed in both states in 2011, showed that Wisconsin would owe Minnesota about $69 million per year.

According to the Minneapolis (Minn.) Star Tribune, the last round of negotiations, in 2015, broke down over Minnesota’s demand for a $6 million payment to recoup what it projected as lost revenue in a new deal.

According to Wisconsin Public Radio, about 20,000 Minnesotans work in Wisconsin while about 50,000 Wisconsin residents work in Minnesota. Those Minnesota residents will now get an income tax reciprocity credit to make up for Wisconsin’s higher income taxes, a move Minnesota officials estimate will cost the general fund $58 million per year.

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**Nebraskans**

**Nebraska hopes to keep pregnant, new mothers in high school**

School districts in Nebraska must have policies in place for the 2018-19 school year to accommodate pregnant or parenting students, under a new law that took effect on Aug. 24. Under LB 427, those policies must, at a minimum, set standards for dealing with pregnancy-related absences and allow students to return to school after pregnancy; provide alternatives to classroom such as tutoring, online courses or accessing coursework from home; provide private lactation accommodations for students who are lactating or breast-feeding; and — for schools that don’t have daycare facilities — help students find nearby childcare providers.

The bill also called on the Nebraska Department of Education to develop a model policy incorporating those steps by Dec. 1. The policy must be reviewed at its September meeting.

Nebraska’s unicameral legislature approved LB 427 on May 2 by a 31-7 vote (with 11 abstentions). Gov. Pete Ricketts signed it into law one week later.

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**Michigan tax incentives designed to lure new, well-paying jobs**

A trio of bills signed into law by Gov. Rick Snyder on July 26 aims to lure new, well-paying jobs to Michigan by allowing new or emerging companies to keep some or all of state income tax withheld from certified new employees, if they meet specific criteria.

Under SBs 242-244, which create the “Good Jobs for Michigan Program,” companies must create at least 250 certified full-time jobs and pay salaries that are 123 percent or more of the prosperity region’s annual wage (Michigan is divided into 10 such regions under Gov. Snyder’s “Regional Prosperity Initiative”) to capture up to 100 percent of withholding for up to 10 years.

The Michigan Strategic Fund can make up to 15 such agreements per year, but none after Dec. 31, 2019. Nor can the fund disburse more than $200 million in total withholding tax captures over the life of the program.

Tax captures will begin from the date a business creates the certified new jobs. Those new jobs must be created within five years of entering the agreement.

Professional sports stadiums, casinos, retail businesses and retail-exclusive parts of other businesses are not eligible to participate in the program.