




Michigan Association of Superintendents & Administrators

MASA Legislative Update

Brought to you by: 

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Summary

It was yet another busy week at the Capitol for the Legislature and the MASA Government Relations team. Several education-related bills were up in committees this week as the legislative spring break approaches. I testified this week on potential changes to the collective bargaining process in the House Labor committee and was joined by Lou Steigerwald, Superintendent at

Norway-Vulcan Area Schools, to discuss the repeal of the state's A-F school ranking system and bills to expand reciprocity for out-of-state teachers and counselors. Read more about these and other updates from the week below.

As always, please [contact MASA](#) with any questions or concerns.

Collective Bargaining Changes Make Their Way Through House Labor

The House Labor Committee, chaired by Rep. Haadsma (D-Battle Creek), heard further testimony on [House Bill 4044](#). The bill, introduced by Rep. Koleszar (D-Plymouth), would repeal Public Act 54 of 2011. Repealing this law would **prohibit the freezing of certain benefits and wages during contract negotiations for public school employees and prohibit retroactivity when an agreement is reached.**

I testified before the Committee to oppose the legislation as introduced, and urged compromise on this bill. I also made it clear to committee members that **MASA is willing to work with the sponsor to address issues like the rising cost of health care and use it as a negotiating tool.**

The bill was voted out of committee on a vote of 7-2 and now awaits action on the House floor. **We expect a full chamber vote will be coming next week.** You can view the full testimony [here](#).

A full repeal of this act would no longer prohibit automatic step increases when contracts are being negotiated. **We urge you to contact your state representative to express your concerns with the legislation as introduced.**

Right to Work Bill Sent to Governor

[House Bill 4004](#), introduced by Rep. Weiss (D-Oak Park), was sent to the governor this week. The legislation would **repeal the “right to work” laws for**

public employees that were instituted in 2012. Notably, the version sent to the governor **did not contain the proposed changes** that were floated last week, which **would have removed the prohibition on subjects of bargaining that were enacted in 2011, including the right of assignment,** amongst other changes.

Again, we want to thank you for your efforts in ensuring that this legislation was not changed.

Hearing on Repealing State's A-F School Ranking System and Expanding Teacher Reciprocity

The House Education Committee, chaired by Rep. Koleszar (D-Plymouth), took testimony on his bill [House Bill 4166](#), which repeals the **state's A-F school ranking system.**

Norway-Vulcan Area Schools Superintendent Lou Steigerwald joined me in testifying in support of the legislation. While the committee just heard testimony on the bill on Tuesday, **we expect it to be voted out next week and move to the full House floor for a vote soon after.**

The Senate Committee on Education heard testimony on [Senate Bill 161](#), introduced by Sen. Geiss (D-Taylor), and [Senate Bill 162](#), introduced by Sen. McCann (D-Kalamazoo). The bills would **simplify reciprocity for teachers and school counselors from other states seeking to get a Michigan certification.**

Superintendent Steigerwald shared stories from his school district on how reciprocity would benefit his community. Wayne RESA Superintendent Dr. Daveda Colbert and the Michigan Department of Education also testified in committee in support of the legislation.

The bills were not get voted out of committee on Tuesday, but **we expect a vote next week and move to the full Senate floor for consideration.**

You can view the full testimony on [House Bill 4166 here.](#)

Governmental Immunity Change Would Have Detrimental Impact on Schools and Local Governments

The Michigan Supreme Court is currently considering an amendment to court rules, which would have a **detrimental impact on the defense of governmental immunity for schools.**

Under Michigan Court Rules 7.2020 and 7.209, schools and others have the right to an immediate appeal to the Michigan Appeals Court if a trial/circuit court decides to hold a case for trial that the school believes should be dismissed under the governmental immunity statute. This **right of immediate appeal will be removed with the proposed rule change**, and schools, local units of government, and the state of Michigan itself will be **forced to go through costly trials that are currently avoided.**

Opposition to this potential rule change is not about avoiding responsibility if it exists. Rather, it's about forcing schools and others to face unnecessary trials that **will cost a tremendous amount of time and resources** that would be better spent in the classroom.

The following are just a few of the consequences of this proposed rule change:

- Significant legal fees in defending the school through a trial.
- Lost staff time as teachers, counselors, bus drivers and others sit in court waiting to testify.
- Eroded confidence of the public as school litigation is pending.
- Increased pressure to pay a legal settlement, even if the school still believes immunity applies to the situation.
- Costs of substitute staff to fill those positions that are a part of the trial.
- Increase in the number of frivolous claims that would start moving forward.

These could all be prevented if the court leaves the current rules in place. **The current system works and saves considerable taxpayer dollars** in those situations where governmental immunity does apply.

So, what can you do?

Please **take a moment to personalize this [sample letter](#) (download the Word doc) and submit it to the Michigan Supreme Court**, letting them know

of your objection to this change. We need all the voices we can. There's not much time as public comment is only being accepted through March 31.

A fact sheet and the sample letter are [available on our website](#).

ORS Lawsuit Update – Supreme Court Hearing April 5

As you may know, the Court of Appeals found in our favor back in August of 2021 and determined that the NSI was unlawful. As expected, the State of Michigan filed to appeal that decision to the Michigan Supreme Court. Last year, the Court issued an order asking for additional briefing on specific information, which was submitted by the state in April 2022, and noting that oral arguments would be heard on whether or not to grant the application for appeal.

We just received notice that **our case is scheduled for oral arguments in the Michigan Supreme Court next month on April 5**. Following those arguments, the Court will have several options:

1. Deny the state's application for leave, in which case the Court of Appeals' decision will stand;
2. Grant the application and issue a final decision; or
3. Grant the application and ask for additional briefing and hold another oral argument.

As a result, this oral argument **could potentially be the last step before we get a final decision from the Supreme Court**.

We are very excited for the opportunity for our legal team to address the Court and continue advocating on behalf of all current and retired administrators in the State. We'll be sure to share a link to the live stream when we have more information. **For background on the lawsuit**, [visit our website](#).

Michigan Senate Passes Gun Legislation

This week, the Senate passed an 11-bill package to create "Red Flag" statutes, safe storage mandates with penalties, and background check requirements for private firearm sales in Michigan. Nine bills passed on a vote of 20-17, and SB 82 and SB 82, passed on a vote of 22-15. Republican members **did not grant immediate effect on the bill package**. The bills have been referred to the House Committee on Civil Rights, Judiciary, and Public Safety.

- [SB 76 \(Hertel\)](#), [SB 77 \(Moss\)](#) Updates references to pistol in penal code
- [SB 78 \(Cavanagh\)](#) Updates references in sentencing guidelines
- [SB 79 \(Bayer\)](#) Provides penalties for storing or leaving a firearm where it may be accessed by a minor
- [SB 80 \(McDonald-Rivet\)](#) Updates sentencing guidelines references
- [SB 81 \(Irwin\)](#) Exempts firearm safety devices from sales tax
- [SB 82 \(Chang\)](#) Exempts firearm safety devices from use tax
- [SB 83 \(McMorrow\)](#) Enacts injunctions to Extreme Risk Protection Order Act
- [SB 84 \(Polehanki\)](#) Prohibits purchase of firearms if individual has an Extreme Risk Protection Order
- [SB 85 \(Anthony\)](#) Creates guidelines for making a false statement in support of an Extreme Risk Protection Order
- [SB 86 \(Singh\)](#) Creates service of process for Extreme Risk Protection Order actions and provides waive court fees

We expect the House to pass the bills through committee and take them up for a full floor vote as soon as next week.

House Appropriations Subcommittee on School Aid and Education Hears Testimony on Tutoring and School Lunch

The House Appropriations Subcommittee on School Aid and Education took testimony on the governor's Executive Budget Recommendation on **free school lunch and the MI Kids Back on Track tutoring program**.

The subcommittee heard testimony on the budget recommendation from the Michigan Department of Education. Several others were in attendance to testify in support of the free school lunch program:

- David Randels, Director of Government Relations for Oakland Public Schools
- Theresa Rich, Vice President of Oakland Schools Board of Education
- Lori Adkins, President of the School Nutrition Association for Oakland Schools
- Collin McDonough, Director of Government Relations with the American Heart Association
- Mindy Grant, Senior Program Manager, No Kid Hungry Michigan
- Jennifer Smith, Director of Government Affairs, Michigan School Board Association

We will keep you up to date on this program as budget season ramps up.

This Week's Introduced Bills

[House Bill 4279 \(Vanderwall\)](#) Modifies requirements concerning taxes levied for area career and technical education programs

[House Bill 4284 \(Johnsen\)](#) Expands social studies curriculum

[House Bill 4286 \(Weiss\)](#) Fiscal year 2023-2024 appropriations for K-12 school aid

[House Bill 4287 \(Weiss\)](#) Provides school aid appropriations for fiscal year 2023-2024

[House Bill 4288 \(Koleszar\)](#) Modifies certain provisions of [1947 PA 336](#). This is a “clean up” bill from the A-F letter grade bill and strikes references to that law.

[House Bill 4291 \(Brabec\)](#) Requires DHHS to develop educational materials and training program regarding sudden cardiac arrest in athletes and their return to athletic activity

[Senate Bill 173 \(Camilleri\)](#) Fiscal year 2023-2024 appropriations for K-12 school aid

[Senate Bill 174 \(Camilleri\)](#) Provides supplemental appropriations in the school aid act for fiscal year 2023-2024