

LegislativeUpdate

Michigan Association of Superintendents & Administrators | June 5, 2020



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Summary

This week in Lansing was tough.

On Monday, Gov. Whitmer lifted the Safer at Home order and moved the remainder of the state to Phase 4. While we join the rest of the state in cautious relief to resume portions of everyday life, this new Phase also allows for some school activities to happen. Under the new Phase we can have students return to buildings for non-instructional activities, such as collecting items from their lockers, as long as they're following social distancing and CDC guidelines. You can find a quick rundown of these changes on our [website](#).

Today, the governor announced that Regions 6 and 8 will move to Phase 5 of the MI Safe Start Plan on June 10. For those regions of the state, indoor gatherings of 50 and outdoor gatherings up to 250 people will be permitted with social distancing guidelines. This Phase also allows outdoor performance and sporting venues to open with a larger capacity limit of 25% or 500 people, whichever is smaller.

Additionally, on June 15, personal services including hair, massages, and nails will reopen statewide. The governor indicated that she expects the entire state will advance to Phase 5 in the coming weeks.

Gov. Whitmer also testified before Congress to the House Committee on Energy and Commerce's Subcommittee on Oversight and Investigations, along with Colorado Gov. Jared Polis and Arkansas Gov. Asa Hutchinson. She was asked to testify on Michigan's response to COVID-19 and addressed the difficulties in providing personal protective equipment, the efforts to increase testing and contract tracing, as well as the economic impacts and reopening plans. If you are interested in Gov. Whitmer's testimony and questions she received from members you can find the full video [here](#).

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

House Adds Dollars to COVID Appropriations Bill

The House Appropriations Committee on Wednesday took up SB 690, which would provide appropriations for the current fiscal year from the Federal Coronavirus Relief Fund (CRF). The committee increased the total amount that would be appropriated under the bill from \$500 million to \$1.3 billion.

What was added?

- \$25 million to the Unemployment Insurance Agency to hire up to 300 additional staffers and other purchases (\$14 million increase from the introduced version)
- \$500 million for the Unemployment Trust Fund if it gets below \$235 million
- \$5.1 million for a \$100 per diem increase in the inpatient psychiatric hospital rate adjustment program through Medicaid prepaid inpatient health plans
- \$5 million for grants to organizations that provide victim services for victims of domestic violence, sexual assault, stalking and other crimes that cause physical injury or cause fear for physical safety.
- \$100 million would be provided for the payment or reimbursement of hazard pay premiums for first responders along with \$226.5 million to provide a \$3 raise to direct care workers retroactive to April 1 and set to go through September 30.

There were no changes in committee to the education related items in the bill. As a reminder, SB 690 would currently provide \$10 million for benchmark assessments for ELA and mathematics for next year and \$125 million for childcare rate reduction program that would provide grants to licensed childcare providers to reduce childcare rates charged to families for the months of April, May, and June.

There is \$20.0 million appropriated to the Michigan Association of Intermediate School Administrators (MAISA) for the device purchasing program with not more than \$10.0 million to be spent in FY 2020-21 and the remainder in FY 2021-22. The bill requires MAISA to make the funding available to all K-12 districts in Michigan through a statewide device purchase program. There is also an incentive for use of the SPOT bid in purchasing. The bill sets requirements for districts applying for funding and requires a summary report from MAISA to the House and Senate School Aid subcommittees by January 1 of each year.

There is also \$15 million for a Summer School Fund for credit recovery. There is not much information on exactly what these dollars will be used for. The bill language states that MDE shall allocate funding statewide to support summer school based upon the impact of the COVID-19 pandemic in the community.

The earliest the House could take action on this bill is Tuesday.

Return to School Advisory Council Named

The governor's COVID-19 Return to School Advisory Council created through Executive Order 2020-88 was announced this week. The group's purpose is to help her develop policies for reopening schools in the fall. The governor's office received over 1700 applications.

Tonya Allen, president and CEO of the Skillman Foundation, was named chair of the new council. The council will also include four participating members of the Legislature: Sen. Wayne Schmidt (R-Traverse City), Sen. Dayna Polehanki (D-Livonia), Rep. Aaron Miller (R-Sturgis), and Rep. Sheryl Kennedy (D-Davison).

The remainder of the council consists of:

- Angela Blood Starr of Kalamazoo, the regional school health coordinator for the Calhoun Intermediate School District, to represent school leaders;
- Nicole Britten of Saint Joseph, the health officer for the Berrien County Health Department, to represent individuals with expertise in public health;
- Johanna Clark of Frankenmuth, the principal of Frankenmuth High School, to represent school leaders;
- Mary Gebara of Okemos, a trustee with the Okemos Public Schools Board of Education, to represent school leaders;
- Dominic Gonzales of Lincoln Park, a student in the Detroit Public Schools Community District, to represent students;
- David Hecker of Huntington Woods, the president of AFT Michigan, to represent community members;
- Paula Herbart of Lansing, the president of the Michigan Education Association, to represent community members;
- Melissa Isaac of Mount Pleasant, the director of education for the Saginaw Chippewa Indian Tribe of Michigan, to represent school leaders;
- Elizabeth Koschmann of Ann Arbor, a licensed psychologist and an assistant research scientist in psychiatry at the University of Michigan, to represent individuals with expertise in mental health;

- Stephen McNew of Monroe, the superintendent of the Monroe County Intermediate School District, to represent school leaders;
- Vic Michaels of Detroit, the assistant superintendent of student services and athletics for the Archdiocese of Detroit Catholic Schools and director of the Catholic High School League, to represent school leaders;
- Justin Michalak of Grosse Pointe Woods, the assistant superintendent for special education for the Macomb Intermediate School District, to represent school leaders;
- Nicholas Paradiso III of Grand Rapids, the vice president of government relations for National Heritage Academies, to represent school leaders;
- Lisa Peacock of Traverse City, the health officer for the Health Department of Northwest Michigan, to represent individuals with expertise in public health;
- Kevin Polston of Grand Haven, the superintendent of Godfrey-Lee Public Schools, to represent school leaders;
- Dr. Gwendolyn Reyes of Grand Blanc, the assistant clinic director at the Hurley Children's Clinic, director of the pediatric residency program at the Hurley Children's Hospital, medical director for the Flint Community Schools Wellness Program, and a clinical assistant professor in the Michigan State University Department of Pediatrics and Human Development, to represent individuals with expertise in pediatrics;
- Robert Shaner of Shelby Township, the superintendent of Rochester Community Schools, to represent school leaders;
- Anupam Chugh Sidhu of Canton, the instructional technology manager for Wayne RESA and president of the Plymouth-Canton School Board, to represent parents;
- Travis Smith of Marquette, an elementary school principal in Marquette Area Public Schools, to represent school leaders;
- Joshua Smith of Jackson, a school counselor for Western School District in Parma, a lead facilitator for the Michigan College Access Network and a counselor at A Healing Place, to represent individuals with expertise in mental health;
- Stephanie Sutton of Commerce Township, a central clinical infection preventionist for the Beaumont Health System, to represent individuals with expertise in epidemiology;
- Gregory Talberg of Williamston, a teacher with Howell Public Schools, to represent educators;
- Ridgeway White of Fenton, the president and CEO of the Charles Stewart Mott Foundation, to represent community members; and
- Kymberli Wregglesworth of Onaway, a teacher with Onaway Area Community Schools, to represent educators

Senate Education Committee Hears from MAISA, MASA

This week the Senate Education and Career Readiness committee continued discussions on bills that would codify the executive orders issued by the governor. The committee unanimously reported out the three bills, SB 873, 875 & 925.

SB 873 and SB 875 which would codify Executive Order 35 into the School Code and School Aid Act. Last week the committee adopted S-2 substitutes for the two bills. Date changes were made to SB 873 and SB 875, while the latter bill also had clarifying language added allowing for furloughs or layoffs of employees under certain circumstances.

SB 925 would suspend assessments and performance evaluations of teachers on an individualized development plan for the remainder of the 2019-20 school year. An S-1 substitute was adopted by the committee last week making date changes to align with the other two bills.

Representatives from MAISA and MASA, along with Muskegon ISD Superintendent John Severson, testified before the committee to discuss continuity of learning plans and distance instruction. Testimony provided details to committee members about plans, connectivity in the state, and thoughts on opening of school for next year.

In case you missed it, you can find a recording of the Senate Education and Career Readiness [here](#).

Senate Passes EpiPen Liability Bills

On Wednesday, the Senate unanimously approved legislation to protect government workers, law enforcement officers, firefighters, and educational staff who use EpiPens in emergency situations. SB 843 is sponsored by Sen. Pete Lucido (R-Shelby Twp.) and would amend the Revised School Code to specify that a school employee who in good faith administered an epinephrine auto injector generally would not be liable in a criminal action or for civil damages as a result of an act or omission in the administration. This would apply to a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a student in the presence of another adult or in an emergency that threatens the life or health of the student.

The medication would have to be administered pursuant to written permission of the pupil's parent or guardian, and in compliance with the instructions of a physician, physician's assistant, or certified nurse practitioner.

However, SB 843 would not eliminate, limit, or reduce any other immunity or defense that a person could have under other State law.

The bill is a part of a package of several bills in the Senate that address the use of EpiPens by a number of professions, including police and fire. The bills have been referred to the House Health Policy Committee.

Resources

MHSAA Guidance Document

Michigan High School Athletic Association released a list of guidelines outlining sports resuming safely. Executive director Mark Uyl said that the association is advising schools to follow a three-step process that will begin with small-group activity focusing on individual workouts with great attention given to hygiene matters. You can find the full document [here](#).

CARES Act Education Stabilization Fund: Background and Analysis

On Wednesday, the Congressional Research Service released a document that goes into great detail of the Education Stabilization Fund (ESF) that was included in the CARES Act. The ESF is comprised

of the three emergency relief funds: Governor's Emergency Education Relief (GEER) Fund, the Elementary and Secondary School Emergency Relief (ESSER) Fund, and the Higher Education Emergency Relief Fund (HEERF). You can find all of the details [here](#).

ICYMI: MDE Updates

MEMO #056-20

School Administrator Certification

In accordance with Michigan Compiled Law (MCL) 388.1763, the Michigan Department of Education (MDE) has the responsibility to ensure appropriate certification is in place for school administrators. As this is a time of administrative hiring for superintendents, principals, and other administrators, MDE is sending this reminder of the school administrator certificate or permit requirement. [Read the full memo](#).

MEMO #057-20

Reminder of Graduation Requirements Flexibility for Current Year Seniors

As the school year nears completion, the Michigan Department of Education (MDE) has received many questions from stakeholders about ensuring that students receive the appropriate support to graduate during this unique time. While we recognize that many schools have already ended coursework for seniors, we also know that schools and districts will still work with students through the summer to help them obtain the appropriate credits to graduate. This memo reminds districts of some of the key flexibilities offered by [Executive Order 2020-65](#). [Read the full memo](#).

MEMO #058-20

Certification of the SE-4107 School Bus Inventory

This communication is to notify you of the certification of the SE-4107 school bus inventory. All districts and public school academies buying or leasing black and yellow school buses to transport students to and from school must report those buses on an annual basis. [Read the full memo](#).

MEMO #059-20

Announcing the 2020-2021 Grant Cycle for McKinney-Vento (MV)

Education for Homeless Children and Youth Consortium Programs

The Michigan Department of Education (MDE) is pleased to announce the availability of the Education for Homeless Children and Youth (EHCY) grant application for the new grant cycle covering the 2020-2021 academic year. This grant is funded under the federal McKinney-Vento Homeless Assistance Act, Title VII, Subpart B, and Title IX, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). [Read the full memo](#).

MEMO #COVID-19-066

Guidance and FAQ for Educator Evaluation During the 2019-20 Academic Year

On April 30, 2020, Governor Whitmer signed Executive Order 2020-65 ([E.O. 2020-65](#)), which provided clarifications on educator evaluation for the 2019-20 academic year.

The Office of Educator Excellence has compiled and posted Frequently Asked Questions (FAQs) that further clarify the May 13, 2020 Michigan Department of Education MEMO #COVID-19-054 Impact of COVID-19 School Closure on Educator Evaluation. [Read the full memo.](#)