

LegislativeUpdate

Michigan Association of Superintendents & Administrators | February 28, 2020



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Summary

This week, while many educators across the state enjoyed a snow day, lawmakers in Lansing had initial hearings on several bills.

As stated in last week's update, the House K-12 Appropriations Subcommittee met to hear informational presentations again on Wednesday. This week the topic was literacy essentials. We are still on standby for the House and Senate Executive budget recommendations, so we cannot speculate that these presentations are foreshadowing what is to come in the budget. As always, please [contact MASA](#) with any questions or concerns.

Education Committees Recap

On Tuesday, the House Education Committee met to take testimony only on four pieces of legislation.

The committee took up SB 171, the timely bill regarding a Michigan Merit Curriculum flexibility that is set to expire this year. As you are well aware, the bill, sponsored by Sen. Jim Stamas (R-Midland), would eliminate dates during which high school pupils may fulfill a foreign language requirement for a diploma by completing a formal career and technical education (CTE) program or by completing visual or performing arts instruction. We appreciate Chairwoman Rep. Pamela Hornberger (R-Chesterfield) for taking this bill up in a timely manner. We will continue to monitor and update you on the current status of this legislation.

The committee also heard testimony on HB 5470, sponsored by Rep. Aaron Miller (R-Sturgis). This legislation would remove the requirement that the state superintendent of public instruction and state treasurer present in-person quarterly reports on deficit districts to the House and Senate Appropriations Subcommittees responsible for K-12 state school aid appropriations.

The bill sponsor testified that the intent of the legislation is due to the vague language in current statute on what is required from the state. The changes under the bill would make technical changes, including clarifying that certain reports may be submitted "electronically, by mail, or in person." The other reporting requirements regarding deficit districts would remain.

The committee took testimony on HB 5357, sponsored by Rep. Steve Johnson (R-Wayland). This legislation would amend the Public School Employees Retirement Act to extend the sunset for the exemption of some retirees that return to work from losing retirement benefits.

Currently, when a retiree in the Michigan Public School Employees' Retirement System returns to work, the Act reduces pension or retiree health benefits. This reduction is dependent on the retirement and the conditions of the new employment. There are exemptions currently in place in the Act for positions that provide certain services to schools in an identified critical shortage discipline or as a substitute teacher, instructional coach, or school improvement facilitator. HB 5357 extends the sunset on the exemption of those retirees. That sunset is set to expire on July 1, 2021. The bill would revise this sunset to July 1, 2031.

Additionally, for substitute teachers only, this legislation would remove the language that currently requires the reporting unit at which the substitute teaches to pay 100% of the contribution rate for the unfunded actuarial accrued liabilities (UAAL) for the pension and for retiree health care. UAAL is the difference between the retirement system's assets and the pensions or health benefits accrued for past service to current or future retirees.

Currently, a teacher who retired between June 30, 2010, and September 2, 2017, who meets the requirements of a bona fide termination and whose compensation as a substitute teacher would be less than 1/3 of the teacher's final average compensation, may work as a substitute teacher without losing certain benefits. The retiree may not apply this substitute teaching for a precomputation of his or her pension. The bill would remove the 2017 deadline.

Lastly, the committee also heard testimony on HB 4483, sponsored by Rep. Brenda Carter (D-Pontiac). The bill requires the Michigan Department of Education to develop or adopt, and make available to public schools, a model program of instruction on cursive as a type of penmanship. Under the bill, it would be optional for public schools to adopt the program.

The Senate Education Committee also met on Tuesday briefly to vote on SB 657, sponsored by the committee's Chairwoman Sen. Lana Theis (R-Livingston). The bill eliminates a provision prohibiting the interim teaching certificate (ITC) process from allowing an ITC for special education. The bill sponsor indicated that the intent of SB 657 is to get more teachers into classrooms quicker. She added the bill is not a cure for the teacher shortage impacting schools in Michigan and nationally, but it can help in efforts to close that gap.

This bill will not create a requirement for districts to hire individuals with interim teaching certificates for special education teaching positions; rather, it allows districts to do so. Additionally, the Michigan Department of Education (MDE) must approve the alternative certification program used to obtain an interim certificate.

SB 657 was reported to the Senate floor on a party-line vote.

House Judiciary Revisits Do-Not-Resuscitate Orders

This week the House Judiciary Committee heard testimony on a package of bills addressing do-not-resuscitate (DNR) order and minors. These bills are a reintroduction of Senate bills from last session that passed the Senate unanimously but were held up in the House during lame duck.

HB 5417, 5418, and 5419 collectively would allow for do-not-resuscitate orders for minors with advanced illnesses and require that schools follow those orders. The bills are sponsored by Rep. Rebekah Warren (D-Ann Arbor) and Rep. Daire Rendon (R-Lake City).

HB 5417 amends the Michigan Do-Not-Resuscitate Procedure Act to allow a parent on behalf of his or her minor child to execute a DNR order. This would apply to children under the age of 18 who have been diagnosed by an attending physician to have a medical or surgical condition with significant functional impairment that is not reversible by curative therapies, and that is anticipated to progress toward death despite attempts at curative therapies or modulation. The DNR executed would have to be signed and dated by a child's parents, attending physician, and two witnesses at least 18 years of age.

HB 5418 adds new sections in the Revised School Code to establish procedures to file a child's DNR order at their school. The administrator of a school or their designee who received a copy of a DNR would have to ensure the form is placed in a file created specifically for such orders or forms. The school administrator is also required to inquire at the beginning of each school year the status of a DNR if a pupil had one the previous year. The administrator or designee would also need to provide notice of the DNR to each teacher or school employee who provides instructional or non-instructional services directly to the student.

Additionally, the legislation would specify that if a school administrator, teacher, or other school employee in good faith administers a comfort care measure or refused to perform resuscitation in compliance with a DNR, they would not be liable in a criminal action or for civil damages as a result of an act or omission in the administration of the comfort care measure, the refusal to perform resuscitation, or the provision of medical treatment. A comfort care measure would be a treatment designed by the physician issuing a DNR order for a student to ensure the student's mental and physical comfort in circumstances in which resuscitation is not attempted. It would not include the routine provision of medications, treatment, or procedures. A school district, intermediate school

district, public school academy, nonpublic school, member of a school board, or director or officer of a public school academy or nonpublic school would not be liable for damages.

ICYMI: MDE Updates

MEMO #038-20

National School Lunch Program (NSLP) Equipment Assistance Grant 2021

Michigan has been selected to receive over \$600,000 in federal funds to provide School Food Authorities (SFAs) with grants to purchase, renovate, install, and/or replace food service equipment. The grant funding is intended to help schools serve healthier meals with a focus on serving more fruits and vegetables, improving food safety and energy efficiency, improving meal quality, and expanding access to school meal programs. The application deadline for these grants is March 31, 2020. [Read the full memo.](#)

Read by Grade Three Communications Guide

As you know, the Read By Grade Three Law has communication implications for all Michigan school districts. This Read By Grade Three Communication Guide for School Leaders is designed to be used, along with Michigan Department of Education (MDE) materials, to communicate with staff, parents, media and your community about the Read by Grade Three Law, the Center for Educational Performance and Information (CEPI) letter of possible retention, and the Good Cause Exemption process.

Jointly prepared by the Michigan Association of Intermediate School Administrators (MAISA) Public Relations Network, the Michigan School Public Relations Association (MSPRA), and the Michigan Department of Education (MDE), this guide contains proven communication strategies and actual communication samples that will help you:

- Provide accurate, consistent information and messages based on the Read by Grade Three Law and MDE resources.
- Preview the spring CEPI retention letter with parents to minimize surprises.
- Emphasize that schools are working for their child's life-long success.
- Tell about Good Cause Exemptions and the deadline by which to contact the school, if interested.
- Reinforce that schools are working every day, using a variety of strategies and resources, to support literacy for all children.