

LegislativeUpdate

Michigan Association of Superintendents & Administrators | January 4, 2019



The Dust has Settled on Lame Duck

The lame duck session of the 99th Michigan Legislature was one of the busiest in Michigan's history. More than 300 bills were sent to Governor Rick Snyder during the post-election legislative session, the 2018 edition of lame duck saw the most bills sent to the Governor during the lame-duck period since the first full-time legislative session in the 1969-70 term.

In many lame duck sessions of the past, education bills have been numerous and controversial—December of 2018 was no different. Below is a list of the bills that saw action in the waning weeks of the 99th Legislature.

Enacted Legislation

[House Bill 5017](#)

Status: Signed by Gov. Snyder on December 24, 2018.

Summary: The law criminalizes cyberbullying as a misdemeanor offense. If the cyberbullying conduct involves a continued pattern of harassing or intimidating behavior that causes serious injury to the victim, the law allows the offender to be charged with a five-year felony. If death is caused, the felony increases to ten years.

[House Bill 5942](#)

Status: Signed by Gov. Snyder on December 27, 2018.

Summary: Provides for criminal penalties for threatening a school with a firearm or other deadly or dangerous weapon.

[House Bill 5943](#)

Status: Signed by Gov. Snyder on December 27, 2018.

Summary: Amends the sentencing guidelines in the Code of Criminal Procedure to include the above proposed felony as a Class D offense against the public safety with a statutory maximum of 10 years' imprisonment.

[Senate Bill 906](#)

Status: Signed by Gov. Snyder on December 28, 2018

Summary: Amends the General Sales Tax Act to exempt from the sales tax the sale or lease of a school bus or transportation-related services under certain circumstances, specifically when owned by a private company for the purposes of providing transportation services to a school district or ISD.

[Senate Bill 907](#)

Status: Signed by Gov. Snyder on December 28, 2018

Summary: Amends the Use Tax Act to exempt from the use tax the sale or lease of a school bus or transportation-related services under certain circumstances - see above.

[House Bill 5828](#)

Status: Signed by Gov. Snyder on December 27, 2018

Summary: Enacts the "Comprehensive School Safety Plan Act"

- Creates the School Safety Commission within the Department of State Police (MSP).
- Provides for the appointment of members to the Commission, and its procedures.
- Requires the Commission, not more than 90 days after its creation and every two years thereafter, to review and make recommendations to the Office of School Safety, including model practices for determining school safety measures.
- Requires the MSP to promulgate rules to implement the Act.

- Prohibits a member of the Commission from divulging confidential information or information that would place a school at risk, and prescribe a misdemeanor penalty for a violation.

[House Bill 5829](#)

Status: Signed by Gov. Snyder on December 27, 2018

Summary: Requires the board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school to designate a liaison to work with the School Safety Commission and the Office of School Safety as detailed under HB 5828.

[Senate Bill 982](#)

Status: Signed by Gov. Snyder on December 20, 2018.

Summary: The law establishes the Office of School Safety (“OSS”) within the Michigan State Police. OSS will work with MDE for the purpose of improving school safety.

[Senate Bill 983](#)

Status: Signed by Gov. Snyder on December 20, 2018.

Summary: The law requires school districts, ISDs, and certain other educational entities to develop an Emergency Operations Plan for each school building.

[Senate Bill 990](#)

Status: Signed by Gov. Snyder on December 20, 2018.

Summary: The law requires school districts, ISDs, and certain other educational entities to consult local law enforcement agencies regarding school safety issues before construction or major renovation of a school or recreational or athletic field or structure begins.

[House Bill 6028](#)

Status: Signed by Gov. Snyder on December 19, 2018.

Summary: The law amends the Pupil Transportation Act to, among other things, modify when bus drivers must activate their hazard lights before a pick-up or drop-off stop and during the process of receiving or discharging passengers.

- Deletes a provision prohibiting a driver from being closer than three seat positions to radio speakers.
- Revises a provision that allows a motor carrier certified by the Michigan Department of Transportation (MDOT) using a motor bus for school-related activities to be painted in the colors and design specified for a school bus.
- Requires the Superintendent of Public Instruction to approve all training programs a person in charge of school bus operations at a school must attend.
- Requires all training programs to be provided by an approved educational agency.
- Revises a provision governing how a bus driver must receive or discharge pupils from the bus in a specific situation.
- Allows a school bus to transport attendees, instead of members, of a nonprofit organization's activity, event, or outing.

[House Bill 4858](#)

Status: Signed by Gov. Snyder on December 19, 2018.

Summary: The law obligates the State and its political subdivisions (educational entities included) to consider a veteran's military experience as professional experience for purposes of determining the veteran's wage or salary.

[House Bill 4421](#)

Status: Signed by Gov. Snyder on December 19, 2018.

Summary: The law impacts when school districts, ISDs, and certain other educational entities can employ an individual as a substitute teacher without a teaching certificate.

Under the bill, the board of a school district or ISD could employ an individual without a teaching certificate as a substitute teacher if the individual had at least 60 semester hours of college credit or an associate degree from a college, university, or community college. The 60 semester hours would not need to be from the same college, university, or community college.

Alternatively, for substitute teaching a course in an industrial technology education program or a career and technical education program, the board of a school district or ISD also could employ an individual without a teaching certificate as a substitute teacher if the individual had achieved expertise, as determined by the district board, and the individual satisfied all of the following, if applicable:

- Had a high school diploma or a high school equivalency certificate.
- Had at least two cumulative years of professional experience in that same subject matter or field in the immediately preceding 10 years.

- For substitute teaching in a subject matter or field in which a professional license of certification was required, at least one of the following: a) held a professional license or certification in that subject matter or field, or b) previously held a license or certification in that subject matter or field that expired not more than two years before his or her initial employment as an uncertificated, and was in good standing immediately before it expired.

[Senate Bill 1205](#)

Status: Signed by Gov. Snyder on December 28, 2018.

Summary: Amends the Public Employees Health Benefit Act to revise the kinds of claims data that must be provided to public employers (including school districts).

[Senate Bill 1225](#)

Status: Signed by Gov. Snyder on December 26, 2018.

Summary: Allows retirees who perform custodial, food, or transportation services for a school to retain their retirement allowances and health benefits,

[House Bill 5907](#)

Status: Signed by Gov. Snyder on December 31, 2018.

Summary: The Bill effects pupil enrollment priority for urban high school academies. It also permits cyber schools to develop and implement personalized, nontraditional, or flexible learning opportunities that include, but are not limited to, project-based learning or competency-based education. Additionally, the Bill removes the requirement that cyber schools ensure each pupil participates in the educational program for at least 1,098 hours during a school year, instead

requiring the cyber school to track each pupil's participation through attendance for the proportionate number of instructional hours from the date of each pupil's enrollment.

[House Bill 5526](#)

Status: Signed by Gov. Snyder on December 28, 2018.

Summary: The Bill requires an A–F system for school accountability. Details of this bill have been widely shared with the membership. The MDE has asked the Office of Attorney General for an opinion on the bill as it potentially violates federal law.

[House Bill 4991](#)

Status: Signed by Gov. Snyder on December 28, 2018.

Summary: The Bill decreases revenue for the General Fund and the School Aid Fund and increases revenue for the Michigan Transportation Fund and the Renew Michigan Fund. Over the next two fiscal years, the Bill would reduce revenue to the School Aid Fund by \$141.0 million and \$173.8 million, respectively. We have been referring to this legislation as the School Aid shift.

[House Bill 6582](#)

Status: Signed by Gov. Snyder on December 27, 2018.

Summary: The Bill requires a Freedom of Information Act request (whether submitted by an individual or an entity) to contain the requestor's name, address, and contact information. The Bill also impacts when deposit fees may be assessed.

[Senate Bill 882](#)

Status: Signed by Gov. Snyder on December 24, 2018.

Summary: The Bill permits school boards to address existing threats to the safety of students and staff, or prevent potential threats, by considering security planning in a closed session. A companion bill to shield documents discussed in closed session from FOIA has not been passed and is needed in the new session.

[House Bill 5851](#)

Status: Signed by Gov. Snyder on December 27, 2018.

Summary: The Bill requires school districts, ISDs, and certain other educational entities to provide to the Michigan State Police reports of incidents involving crimes or attempted crimes that currently must be reported to the Superintendent of Public Instruction under MCL 380.1310a(2). The types of crimes (or attempts thereof) reported include crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes (including, but not limited to, theft and vandalism).

[House Bill 5829](#)

Status: Signed by Gov. Snyder on December 27, 2018.

Summary: The Bill requires school districts, ISDs, and certain other educational entities to appoint an employee (or person working regularly and continuously under contract) as a liaison to work with the School Safety Commission created under Sec. 5 of the Comprehensive School Safety Plan Act and the Office of School Safety.

[Senate Bill 991](#)

Status: Signed by Gov. Snyder on December 28, 2018.

Summary: The Bill requires schools to provide the Michigan State Police with contact information for at least one school official, twice per year.

Did Not Pass/Vetoed

House Bills [5707](#) and [6401](#)

Status: Passed by the House; died in the Senate.

Summary: The Bills would have adjusted the percentage of teacher and administrator evaluations based on student growth and assessment data. As you know, the percentage of such evaluations is set to increase to 40 percent, the bill would have remained at the current level of 25 percent.

[House Bills 6549 and 6550](#)

Status: Passed by House and Senate, Vetoed by the Governor on December 28, 2018

Summary: Exempts aviation equipment from sales tax. These bills would have collectively reduce sales and use tax revenue by approximately \$4 million on an annual basis. This legislation was reintroduced after the Governor vetoed the bills earlier this year.

[House Bills 6314 and 6315](#)

Status: Passed by the House; died in the Senate.

Summary: Would have created the Public Innovation Districts and the new accountability commission.