

LegislativeUpdate

Michigan Association of Superintendents & Administrators | May 29, 2020



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Summary

This week in Lansing would have been the annual Mackinac Policy Conference hosted by the Detroit Regional Chamber, a large event where the majority of the legislature and other stakeholders travel up to the island for a week of networking and policy discussions. MASA usually participates in this confab, but as with many other of our Michigan traditions, this one is on hold due to the ongoing pandemic.

Yesterday, Gov. Whitmer shared her budget priorities during her regular press conference. First on the list was funding for classrooms and literacy. More information on that is below. But what's shaping

up in Lansing is a game of chicken since neither the legislature nor the governor want to initiate the first round of cuts for schools in an election year.

As a reminder, we hope that you can join us tonight for a virtual rally on Facebook Live with U.S. Senator Gary Peters, State Representative Sheryl Kennedy, and your statewide education and labor organizations to call on the federal government for additional emergency funds for schools. We've partnered with MEA, AFT Michigan, Middle Cities Education Association, Michigan Association of School Boards, Michigan Association of Secondary School Principals, and Michigan Association of Administrators of Special Education to produce this event, and attendance is expected to be great!

If you still need to RSVP, you can do so with the following [link](#). Please feel free to share this link with anyone in your community who might want to participate.

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

Budget

Thursday, Gov. Whitmer held a press conference to update Michiganders on the state's efforts related to COVID-19, but also to highlight the budget and discuss her priorities as we look to make cuts to spending in response to revenue short-falls. First on the list was funding for classrooms and literacy. We're definitely pleased to see that the governor hears us and shares our priority to soften any blow to our already underfunded education system. Ms. Whitmer also said her top policy priorities are high-quality childcare and a return to school plan (on that note, we do anticipate that the Return to Learning advisory council will be selected and announced next week).

The governor also echoed our call to the federal government to provide additional flexibility in CARES dollars as well as additional emergency funds as we are facing an economic problem that is worse than the Great Recession.

We also heard yesterday from State Budget Director Chris Kolb who stated that our budget timeline is going to look different due to unstable revenues. The legislature had put a July 1 budget deadline in statute. This was something we supported whole heartedly last year, but reality is, it won't happen since state officials will hold another Consensus Revenue Estimating Conference in August and will undoubtedly use those numbers to craft the final budget for FY21.

One common question we have received from members is whether the 30-day "clock" has started, referencing the requirement in statute that once the State Budget Office notifies the legislature that there are less funds available than appropriated, the legislature has 30 days to either revise the budget or notify that a proration will be issued.

As of this morning, the State Budget Office has not yet sent a letter to the legislature. There is no deadline for this action. Presumably, we are delaying in the hopes of additional federal dollars. State officials also clarified that this really doesn't start a 30 day "clock," rather the requirement is that 30 days advance notice of a proration coming into effect – there is no automatic proration.

Finally, a group of 10 House Members this week introduced H.R. 267. This resolution calls to memorialize the Congress of the United States to not enact a federal bailout for states. The language of this resolution states "Congress has already provided significant economic support to the states in

previous COVID-19 related stimulus bills." The resolution goes on to say that "bailing out the states" is irresponsible, and the federal government will be sending a message that economic irresponsibility will be met in the future with federal assistance, so there is no incentive to have a balanced budget.

During the Great Recession the federal government appropriated over \$56 billion to states in inflation adjusted dollars to ensure that our students did not suffer the consequences of an economic crisis. To date, CARES I has sent less than \$17 billion to address COVID related economic impacts.

We all know that the hit to our economy is going to be worse. This resolution is unfortunate, but it's not likely to have any impact on policy or spending. If you're wondering if your state representative signed on, visit [this link](#) to see the list of sponsors, and maybe drop them a note on the subject.

Senate Education

This week the Senate Education Committee met again to discuss legislation that would codify portions of the governor's executive orders. SB 873 and SB 875 are both sponsored by Sen. Wayne Schmidt (R-Traverse City).

For the second week in a row, committee testimony turned to a critique of public schools and Continuity of Learning (COL) Plans. The Mackinac Center testified for the majority of the committee and their points were based largely on opinions and anecdotes. They claim that charters and nonpublic schools have led the way in providing rigorous plans for remote learning yet these statements were not based on data, and largely used cherry picked examples from other states.

There was one additional bill added this week, SB 925, that would suspend assessments and performance evaluations of teachers on an individualized development plan for the remainder of the 2019-20 school year.

Chairwoman Theis also indicated her intention to "take a look" at Section 21f in the School Aid budget. Under this section, districts are required to allow students in all grades to take up to two virtual courses per semester provided by any public school or community college. We suspect that discussions may be headed to possibly revise this cap.

The committee also took up HB 4546 and HB 4547, dual-enrollment legislation. We at MASA and MAISA are in the process of developing testimony for next week and hope to have the rebuttal to these baseless claims on the record.

House Local Government

The House Local Government Committee this week took testimony on a pair of bills that intend to provide additional relief to taxpayers due to COVID-19. HB 5761 and HB 5810 are sponsored by Rep. James Lower (R-Greenville) and deal with penalties and interest on delinquent summer 2020 property tax payments. This legislation attempts to provide some relief to taxpayers while also addressing the cash flow issue it would create for local governments.

Currently, taxes levied in the previous year that are unpaid are subsequently reverted as delinquent to the county treasurer on March 1. Under these bills, payments for summer 2020 taxes made before September 30 of the current year will be considered on time. If payments are not made by September 30, 2020, the taxes would be considered delinquent to the county treasurer on October 1, 2020. The big change this legislation makes is that no late fees on unpaid taxes could be assessed for 11 months after the delinquent date, September 1, 2021.

This creates a cash flow problem for local governments, schools included. The intention is that the legislature would appropriate General Fund dollars to fill this hole in the delinquent tax revolving fund. Substitutes to the bills will require locals to accept partial payments and set up a payment plan if requested. Current law says that a taxpayer can pay a partial payment, but locals aren't required to accept it, and many do not. There would be a requirement that an affidavit be filled out by the taxpayer asking for fees and interest to be waived because they can't pay on time due to COVID-19 related issues. Further, the exemption would not apply to anyone who has an escrow that pays their taxes.

A vote was not taken on the bills, as the bill sponsor indicated that they will continue to revise the language of the bills in committee. The Senate has companion versions of these bills, SB 933 and SB 943.

Attorney General Calls on Congress to Fund Expanded Access to Internet

Michigan Attorney General Dana Nessel, along with 38 other attorneys general, sent a joint letter to Congressional leaders urging Congress to provide sufficient funding to close the digital divide and expand broadband access – something AASA and MASA enthusiastically support.

The group of 38 bipartisan attorneys general, recognize that internet access is now a necessity for all Americans to participate in telemedicine, teleschooling, and telework. Their request asks that funding be included as part of any additional legislation that provides relief and recovery resources related to addressing the COVID-19 pandemic.

Specifically, they call on Congress to provide state, territorial, and local governments with adequate funding expressly dedicated to ensuring that all students and patients, especially senior citizens who are at risk, have adequate internet-enabled technology to participate equally in online learning and telemedicine.

Additionally, their letter calls for an increase in funding to the U.S. Federal Communication Commission Universal Service Fund. This Fund supports the Connect America Program, the Lifeline Program, the E-Rate Program, and the Rural Health Care Program. We continue to advocate for additional funds to help close the digital gap in Michigan, and are pleased to see such support for the concept from across the country.

Remember Door Barricades?

The Department of Licensing and Regulatory Affairs (LARA) sent details this week on the implementation of the school temporary door locking device Act that goes into effect on June 1. You may remember HB 4689, now PA 45, allows schools to install temporary door barricade devices. These devices are anchoring mechanisms that are installed on the interior of a door to prevent forced entries.

The Act includes a number of standards for these devices, including a requirement that they are portable and not permanently affixed to the door. They need to be able to be disengaged from the inside of the door without a special tool. The law further requires that school administrators to notify local law enforcement and the fire department before installing these devices.

The Act requires the school building's administrative authority to submit drawings, diagrams, and installation instructions for plan review to the Bureau of Fire Services (BFS) and the construction code authority having jurisdiction (either the Bureau of Construction Codes (BCC) – or the enforcing agency identified in the Local School Construction Enforcement List). Estimated project costs in excess of \$15,000 will require signed and sealed documents in accordance with PA 299 of 1980.

One sticking point is that the Act requires all staff to complete in-service training on these devices. Assuming that we are able to have in person instruction this fall; this is one area you should make sure is addressed.

Applicants may submit their application [electronically through Accela](#) or may submit paper applications found here: [BCC application](#) and [BFS application](#).

Have you already done this?

Further, the Act specifies that if a school building had an existing temporary door locking device or system that was installed prior to **June 1, 2020**, then the construction code authority having jurisdiction would need to approve it provided that certain conditions were met. No later than August 29, 2020, the school building's administrative authority shall submit drawings, diagrams, and installation instructions for these existing devices and systems to the construction code authority having jurisdiction for a final determination.

Your Voice is Still Needed

By now you are keenly aware of the fact that we face a massive budget shortfall due to decimated state revenue. We face the very real possibility of a large per pupil cut in the current fiscal year. Which is why we need your voice in our advocacy campaign. Educators across Michigan will be called upon to take part in the Our Kids, Our Future campaign to advocate for recovery dollars for Michigan's schools. Congress has passed the CARES Act, which sent nearly \$400 million to Michigan, but the reality is, we will need \$3-5 billion over the next three fiscal years to avoid catastrophic cuts to education in every community in our state.

We've begun the campaign and ask that you please take the first step of contacting your member of Congress using our Voter Voice portal. [Please take a minute to send this letter](#). As always, a more

customized message is better, so edit the text to tell your story and what a \$700 per pupil cut looks like for your district and community.

Another way you can help is by asking your Board of Education to pass a resolution urging action from Congress. Once they've done this, please send a copy to your local paper, out on your email lists, and to masbgov@masb.org so that we can track them with MASB. Thanks to MASB for supplying this [sample resolution](#).

ICYMI: MDE Updates

MEMO #054-20

Individuals with Disabilities Education Act Public Reporting of Data

The federal regulations that implement the Individuals with Disabilities Education Act (IDEA) at §303.702(b)(1)(i)(A) require public reporting on the performance of each local service area on the targets established in the State Performance Plan/Annual Performance Report for each of the priority areas for Part C (birth through age 2), Early On® Michigan. [Read the full memo](#).

Memo #055-20

Career and Technical Education Certificate Changes

The Michigan Department of Education (MDE) is implementing a merger of standard, professional, and advanced professional teaching certificates with career and technical education (CTE) certificates. [Read the full memo](#).