




Michigan Association of Superintendents & Administrators

MASA Legislative Update

Brought to you by: 

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Summary

This week was relatively busy. Many committees met, and most of them included bills or topics that touched the K12 sphere. We know that the budget is pressing and at the top of everyone's mind as we start our school year.

Unfortunately, we don't have any new information for you at this time. We've been able to confirm legislative leaders and the governor are continuing to negotiate the framework of the 2020-21 fiscal year budget but have not yet

come to an agreement on targets for each department and major budget areas.

The big news from Lansing this week is that **Gov. Whitmer signed two Executive Orders ([EO 2020-175](#) and [EO 2020-176](#)) that allow gyms and pools to reopen and pave the way for organized sports to be played.**

Spectators for indoor sports are limited to two guests of the athletes. For outdoor sports, the organizer of the competitions must either limit the audience to the guests of the participants with each athlete designating up to two guests, or **limit total attendance to 100 people or fewer**, including all participants like athletes, coaches, and staff.

The EO also suggests following DHHS sports guidance, which cites the elevated risk associated with activities that involve "shouting, singing, or breathing forcefully."

The DHHS is also suggesting sports teams implement frequent hand washing; not letting players share towels, clothing, or other items they use to wipe their faces or hands; ensuring proper cleaning and disinfection of objects and equipment; prioritizing outdoor practice; and more. The EO appears to allow for contact sports under strict circumstances but leaves that decision up to school districts and the MHSAA.

And finally, late Thursday afternoon, we received word from the **U.S. Department of Education that U.S. Secretary of Education Betsy DeVos will not be issuing testing waivers for the 2020-2021 school year.** The letter states "It is now our expectation that states will, in the interest of students, administer summative assessments during the 2020-2021 school year, consistent with the requirements of the law and following the guidance of local health officials. As a result, you should not anticipate such waivers being granted again." Read the full text of the letter [here](#).

Have a safe Labor Day weekend!

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

USDA Reverses School Meal Decision

Earlier this week, the U.S. Department of Agriculture (USDA) announced it has agreed to **extend the federal waiver for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO)**. The waiver was set to expire, and this extension goes through 2020 or until federal funds run out. This decision ensures that all children who are learning remotely will still be able to get meals.

Our Michigan delegation spent the past few weeks calling on the USDA to ensure that students who depend on these programs will continue to receive assistance during the school year. Sen. Debbie Stabenow (D-MI) joined a bipartisan coalition in sending a letter to the USDA and urged that they use its full authority to provide healthy meals to students for the duration of the school year. MASA is very appreciative of Sen. Stabenow and other members of the Michigan delegation for bringing attention to this issue and advocating for our students.

Specifically, the extension will allow any child to receive meals from schools and community sites operating SFSP and SSO at no cost. This alleviates some of the burden on districts by allowing all children to receive meals removes some of the administrative responsibilities of determining eligibility. Families will be able to continue to pick up meals at one location rather than being required to go to different schools if they have multiple children in different school districts. Additionally, the waiver will allow community childcare organizations to continue providing meals.

USDA has stated that they will require additional budget authorities to extend the SFSP flexibilities throughout the entire 20-21 school year.

House Education

The House Education Committee met on Tuesday to take testimony on a pair of bills and one resolution.

House Resolution 234, sponsored by Rep. Rodney Wakeman (R-Freeland), **calls on Congress to repeal the federal ban on Pell Grants for prison-based education.** Three Michigan secondary institutions – Delta College, Jackson College, and Mott Community College – were selected to participate in a federal Second Chance Pell pilot. The pilot program allowed 65 schools across the country to award Pell Grants to incarcerated students. The program was announced by the U.S. Department of Education (USED) in 2015, and selected colleges and universities were chosen in 2016. In April of this year, USED announced an additional 67 post-secondary institutions were selected to participate, including Calvin University and Siena Heights University. HR 234 calls on Congress to repeal the ban on Pell Grants to incarcerated individuals and allow all secondary institutions to be eligible.

Additionally, the committee heard introductory testimony on a **pair of bills that would create a so-called school liaison program through the Michigan Department of Education (MDE).** HB 5833, sponsored by Rep. Brad Paquette (R-Niles), and HB 5834 sponsored by Rep. Sherry Gay-Dagnogo (D-Detroit), would establish the liaison program and an annual or periodical liaison networking conference.

In summary, the bills would establish a school liaison program under the auspices of MDE. School liaisons would be tasked with communicating with the department on behalf of their school regarding pending statutes, rules, legislation, and recently enrolled bills. The legislation asks the liaison to communicate with MDE to provide in the field feedback before new requirements are imposed on schools. The bill asks the department to determine the selection process of a school liaison for each school. In the current version of HB 5833, it does not specify how many school liaisons would come from each district, however, during committee, the bill sponsor indicated that the intent of the legislation is to select one liaison per school building that then communicates with liaisons within that ISD. As written, the bill requires MDE to establish the program during the 2020-21 school year.

HB 5834 states that MDE may host an annual or periodic networking conference for all school liaisons to share ideas and best practices. The bill language includes a suggestion for MDE to obtain sponsorship from nonprofits, statewide education organizations, foundations, and others to offset the cost. Further, HB 5834 encourages ISDs to hold networking conferences for liaisons within their ISDs as well.

The spirit of the legislation is to elevate the voices of teachers to identify the most robust suggestions to improve education in our state. The sponsors testified that legislation is often enacted without consulting teachers or those responsible for executing the items Lansing passes. The reported intention of this program is to get feedback on legislation to establish real time and realistic best practices. The feedback school liaisons gather is intended to aid MDE to understand how statutes and rules are being implemented and have the influence of teacher voice in how things actually are working at the classroom level.

The committee had a relatively detailed discussion on the logistics of this legislation. For example, it is not clear if this program would take a teacher out of the classroom for the liaison duties and who would pay for the substitute teachers and leave time. Additionally, the bills may enact an unfunded mandate for the unknown costs associated with travel or time out of the classroom. On this concern, the bill sponsor testified that they are currently working with the House Fiscal Agency to determine an estimated cost of the legislation. The remainder of the committee discussion centered on a concern that this program would be duplicative of the systems in place by teachers' unions and further of the Governor's Educator Advisory Council. Several members raised this point and the bill sponsors responded that the program's intent is to complement those current manners of educator representation. The committee did not act on the legislation.

House Judiciary Revisits School Bus Bills

On Tuesday, the House Judiciary Committee took up a school bus safety-related package. HBs 5038-5042 make various changes to current law related to bus stops. This legislation was introduced in October of last year and was referred first to the Committee on Military, Veterans and Homeland Security where it passed and now is before the House Ways and Means Committee, part of the two-committee structure put in place for this session.

HB 5038 is sponsored by Rep. Jack O'Malley (R-Lake Ann) and would **prohibit an unauthorized individual from entering a school bus** without the bus driver's permission. A person who violates this provision would be guilty of a misdemeanor punishable by imprisonment for up to 93 days, a fine of up to \$100, or both. An authorized person could be a

student, a person enrolled in a school-sponsored preschool program, teacher, school employee, chaperone authorized by the school, and a person authorized by a school or the operator of the school bus for the protection of property or the health, safety, and welfare of the people on the school bus. The bill also institutes a civil infraction and/or a \$500 fine for impeding the progress or operation of a bus.

HB 5040 is sponsored by Rep. Jewell Jones (D-Inkster) and would modify the Pupil Transportation Act to **allow a sticker to be put on the side of the school bus that states “an authorized person attempting to board or boarding this school bus is subject to arrest and prosecution.”** HB 5040 states the sticker must be placed on the left side of the service door between the bottom of the window and the black rub rails.

HB 5041 is sponsored by Rep. Tyrone Carter (D-Detroit) and amends the Michigan Vehicle Code to allow stop-arm camera systems. For buses that use these systems, HB 5041 would require them to give an investigating law enforcement agency recorded video or photograph for the use of evidence if requested. A **photograph or video recorded by a stop-arm camera system would be admissible in a proceeding to the extent permitted by the rules of evidence.** However, a photograph or video recorded by a stop-arm camera system would not be required for prosecution of the violation. Law enforcement agencies would include the Department of State Police, a county sheriff's department, a police department of a county, city, village, township, or state university or college, and any other governmental law enforcement agency in Michigan. A person who is found responsible for improperly passing a school bus would be subject to a civil infraction and \$500 fine. HB 4041 would increase this fine. Currently, it varies between \$100-\$500.

HB 5042 is sponsored by Rep. Greg VanWoerkom (R-Norton Shores) and modifies the Pupil Transportation Act to allow stop-arm camera

systems. The bill defines **stop-arm camera systems** as a system of two or more cameras affixed to a school bus. The system must meet the following requirements; is synchronized to automatically record video or one or more sequenced photographs of a vehicle failing to stop for a school bus or passing a school bus in violation of section 628(1) of the Michigan Vehicle Code, capable of capturing images of the vehicle, the license plate on the rear of the vehicle, and a distance of at least 200 feet in front of the school bus and records the date, time, and location on an image produced by the system.

HB 5039, sponsored by Rep. Daire Rendon (R-Lake City), would institute **felony punishment for items described in HB 5038**. The amended versions of the bill remove the felony and thus the bill is unlikely to be acted on as a part of this package.

Rep. David LaGrand (D-Grand Rapids) raised some concerns with the bill language regarding the discretion given to bus drivers to stop parents from getting on buses. In HB 5038's current form, it states individuals are given permission by the bus driver to board the bus, but the bill does not outline the criteria for determining a situation that warrants permission. To this point, it may be a concern if bus drivers could give permission subjectively. Further, many examples of individuals entering buses and acting disruptively or violent would qualify as a possible chargeable offense currently, such as disorderly conduct.

The bill sponsor, Rep. Jack O'Malley (R-Lake Ann), responded to this concern that most bus drivers have existing relationships with parents and would be reasonably able to decide this. Additionally, on this issue, Rep. Tenisha Yancey (D-Detroit) asked the bill sponsor if they include a carve-out for the criminal consequences for parents and guardians of children. This was proposed along with comments that in other areas of the state, there are high turnovers of bus drivers, and many will not know all parents of the children on transit

routes. Other members of the Judiciary Committee proposed making this a civil infraction rather than a misdemeanor.

The committee did not act on the bills, and it's not certain if action is imminent at this time.

House Acts on Cursive Writing Bills; Update Terminology

The House Ways and Means Committee reported HB 4483, sponsored by Rep. Brenda Carter (D-Pontiac). **The bill requires MDE 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.**

As the vast majority of Michigan students begin their school year virtually, you may be asking yourself why the legislature has acted on handwriting legislation. During committee, Rep. Rebekah Warren (D-Ann Arbor) added an amendment to the bill to revise the enactment date to August 1st, 2021, and have it apply for next school year. The bill was reported unanimously to the House.

Additionally, the House Appropriations Committee reported two bills on Wednesday to update terminology. SB 473 and SB 475 are both sponsored by Sen. Wayne Schmidt (R-Traverse City), **replaces “basic foundation allowance” with “target foundation allowance” in the Revised School Code and the Management and Budget Act respectively.** As a reminder, this terminology change was made in the Conference Report FY 2019-20 School Aid Budget. These bills would **provide consistency among acts and is a change in name only.**

Senate Finance Talks PPT

The Senate Finance Committee heard testimony this week on a package of property tax bills that would positively impact school funding. Together, the package **amends the Local Stabilization Authority Act that creates rules and procedures for the collection and distribution of revenue for townships and local municipal governments.**

HB 4296, sponsored by Rep. Lynn Afendoulis (R-Grand Rapids Twp.), would authorize county and township assessors to make a series of new calculations for the enhancement millage on intermediate school districts. The bill will remove an enhancement millage from the eligible millage cap calculation for ISD operating millages and separately calculate the eligible millage cap for an enhancement millage.

HB 4927, sponsored by Rep. Hank Vaupel (R-Handy Twp.), would clarify the calculation of the PPT reimbursements for school operating loss not reimbursed by the school aid fund. The bill eliminates the basic school operating millage from the calculation of a municipality's school operating loss that had not been reimbursed by the School Aid Fund in the current year when determining the local community stabilization shared revenue for a given municipality.

HB 4929, sponsored by Rep. Tenisha Yancey (D-Gross Pointe Woods), would adjust the calculation made for the act's millage on industrial and commercial personal property. The bill would include a school district's and ISD's debt millage, school district hold harmless millage, and the state education tax millage in the calculation of a TIFA's PPT reimbursement, to the extent the millage is subject to capture by the TIFA in 2020.

HB 4930, sponsored by Rep. Karen Whitsett (D-Detroit), would amend how municipalities may report an error made by the Department of Treasury

when calculating the act's millage on industrial and commercial personal property. The bill would allow municipalities to review and report errors made when calculating the millage on industrial and commercial personal property on their taxable values from the years 2013, 2014, and 2015 as well as their values for the current year by providing substantiating documentation to support the corrected value by November 30, 2020, in a form and manner prescribed by the department. This is a positive for districts, elevating districts' needs to figure out the errors in property valuation.

If you're still reading, you're probably wondering why we continually mess with the PPT. That's a good question and one that has MASA staff wondering constantly. For now, **we continue to work with representatives from local governments to ensure that PPT calculations and other tax changes net positive results for the School Aid Fund and hope that we can continue to see support and success on that front.**

FEMA Plans to Eliminate PPE and Disinfectants Under the Public Assistance Program

The Federal Emergency Management Agency (FEMA) **intends to eliminate personal protective equipment (PPE) and disinfectants as eligible reimbursable expenses under the Public Assistance Category "B" Program.** This proposed change to PPE coverage continues a troubling pattern of shifting costs and responsibilities onto state and local governments, including state and local education agencies, when we can least afford it.

We were pleased to hear that AASA and 20 other organizations sent a letter urging FEMA to waive the state cost-share for COVID-19 assistance, to maintain the current guidance on emergency protective measures,

and to encourage the Administration to provide clear guidance on the eligibility of funding streams. The letter can be accessed by clicking [here](#).

The good news, this decision is not retroactive, and **districts have until September 15, 2020, to apply for reimbursement from FEMA for PPE and disinfectants.**
