

LegislativeUpdate

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In budget discussions this week, the House heard evolving details of the Marshall Plan from the Department of Talent and Economic (TED). While some were focused on the Marshall Plan, many eyes were on the Senate Higher Education Subcommittee.

MSU Interim President John Engler testified in the subcommittee meeting after a series of bills aimed at the sexual assault controversy at MSU passed the Senate with overwhelming majorities (see article below).

We're coming up fast on spring break for the Legislature. With one more week before lawmakers head home, we expect action on at least a few big pieces of legislation, including the budget bills. Both K-12 subcommittees are expected to report their versions of the budget next week.

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

Senate Passes Sexual Assault Package

Sweeping changes in government immunity and the statute of limitations for criminal and civil liability for sexual assault, prompted by the Larry Nassar scandal, overwhelmingly passed the Senate on Wednesday evening.

MASA does not have a formal position on the bills, but has weighed in alongside many local government entities about the need for careful deliberation on the issue, as the bills go beyond just the campus of MSU. Our primary concern is that the package of bills is moving through the process with such expediency that it is difficult to ascertain the impact it will have on all the separate entities, like school districts, involved in the outcome. While we stand firmly on the side of protecting survivors and future victims, we also want to ensure that unintended consequences are minimized and have urged lawmakers to slow the process down to allow for those considerations.

The ten bills, as passed the Senate, are detailed below:

1 SB 871 Sen. Margaret O'Brien (R-Portage) — Statute of limitations

1 Amends statute of limitations (SOL) for criminal cases involving criminal sexual conduct (CSC):
1 Eliminates SOL for CSC 2 (or attempted CSC 2) violations when victim is under 18;
2 Extends SOL for CSC 3 (or attempt) committed against minors to 30 years or the victim turns
48 – additional exception if perp unknown at time and DNA evidence later IDs.

2 SB 872 (S-4) Sen. David Knezek (D-Dearborn Heights) — Statute of limitations
1 Amends the SOL for civil cases involving CSC:
1 Extends the SOL to 10 years for actions based on CSC. It is not necessary that a criminal
prosecution or proceeding have been brought, or a conviction to have occurred to bring a
case;
2 Creates a new section allowing a minor CSC victim to bring a civil suit because of a CSC any
time before he or she is 48 years old so long as certain requirements are met;
1 The cases accrued after 12/31/1996;
2 The cases are brought within 1 year of the bill's effective date.
3 However, this retroactive ability does not apply if the victim was between 13 and 16,
consented to the conduct, and the other individual is no more than 4 years older;
or if the victim is 16 or 17, consented, and the other individual does not have
custodial authority of the minor.

3 SB 873 (S-2) Sen. Margaret O'Brien (R-Portage) – Mandatory reporters
1 Individuals who are employed by a college/university in a professional or counseling capacity or
school bus drivers/aides whether he or she is employed by a school or under contract with a
school;
2 Individuals who are over 18, paid or volunteer, who is a coach, assistant coach, or athletic trainer in
a K-12 or college/university athletic program or youth recreational program.
3 When an allegation, written report, or subsequent investigation indicates that the individual who
committed the suspected child abuse/neglect is a medical professional, and DHHS believes the
report is based on fact, it must send a copy of the report to the medical professional's regulatory
agency with licensing authority.
4 Employers of mandatory reporters must notify those individuals that they are required to report.

4 SB 874 (S-2) & SB 880 (S-1) Sen. Rick Jones (R-Grand Ledge) — Increases penalties for mandatory
reporters who fail to report
1 A paid individual who is a mandatory report, who has direct knowledge of the nature of the
suspected child abuse/neglect, and willfully and knowingly fails to report is guilty of a felony
punishable by no more than 2 years and/or a fine between \$1,000 & \$5,000.
1 If this person commits a second or subsequent offense he or she is guilty of a felony
punishable by up to 7 years imprisonment and/or a fine up to \$15,000.
2 A mandatory reporter who is a volunteer, and has direct knowledge of the nature of suspected child
abuse/neglect, and willfully and knowingly fails to report is guilty of a misdemeanor punishable
by up to 1 year and/or a fine of \$1,000.

5 SB 875 Sen. Margaret O'Brien (R-Portage) — Amends procedures for CSC cases brought in the Court of
Claims
1 When bringing a suit in the Court of Claims for a claim of sexual misconduct committed against a
minor it doesn't have to include a signature by the claimant and no longer requires the claimant
to file a notice of intent to file 6 months after the event that gives rise to the claim.
1 These claims can be filed at any time after the event(s) occurred.
2 The claimant can also bring the claim in a manner to protect his or her identity throughout the
proceeding.
3 These provisions will apply to cases retroactively from 1996.
4 Sexual misconduct includes CSC violations as well as cases involving child pornography, regardless
of whether the conduct resulted in a criminal conviction.

6 SB 876 Sen. Ken Horn (R-Frankenmuth) — Amends SOL for cases brought before the Court of Claims

1 Eliminate the SOL for claims for sexual misconduct committed against a minor.

2 This change applies retroactively to 1/1/1997

7 SB 877 (S-1) Sen. Marty Knollenberg (R-Troy) — Eliminates governmental immunity defense in cases involving sexual misconduct for both the individual accused of committing the conduct and the governmental entity.

1 The employing governmental agency also loses its governmental immunity defense if the agency was negligent in hiring, supervising, or training the individual, or it knew or should have known of the sexual misconduct and failed to report it to law enforcement.

2 These changes apply to conduct that occurs after 12/31/1996.

8 SB 878 & 879 Sen. Curtis Hertel (D- East Lansing) & Sen. Margaret O'Brien (R-Portage) — Update child pornography penalties

House Reports Internship Requirements

The House Workforce and Talent Development Committee unanimously reported legislation that allows students in grades 9-12 to be awarded high school credit for completing a qualifying internship or work experience. HB 4106 sponsored by Rep. Beau LaFave (R-Iron Mountain) implements guidelines for these internship experiences.

Under the bill, internships must be a minimum of 4 hours but fewer than 10, and students must have parental permission to be excused for the period of class time in which the student attends their work experience. Students may be required to create a reflection project alongside their internship experience that would include things such as their resume or written summary of their experience.

School boards would be responsible for approving or denying credit to a student. Reasons for denial may include that a student is not on track to graduate in 4 years, previously earned credit with the same employer or the experience would not be consistent with a student's IEP. Students would be able to appeal a denial decision with the superintendent in writing. Superintendents would have to uphold or reverse the decision within 5 business days of receiving the letter.

Additionally, under the bill students could not be considered less than full time just because of their internship participation.

The committee also took action on HB 5676, a companion bill that amends the School Aid Act to ensure that students partaking in internship experiences could not be considered less than full-time.

MASA worked closely with the bill sponsor and other education groups as the original version of the bill simply mandated that a school district grant credit for any type of work experience. Working with the sponsor, we were able to provide new opportunities for students to get appropriate work experience while not compromising a rigorous academic schedule.

Senate Education Committee Reports Union Leave Time Bills

As we shared last week, the Senate Education Committee revisited legislation that targets union leave time and the accrual of retirement credit. Sen. Marty Knollenberg (R-Troy) is the sponsor of SB 795, which prohibits the accrual of service credit, and SB 796, which prohibits paid released time for individuals to conduct union business even if the public employer is reimbursed for it.

Both bills were amended for technical changes and SB 796 was also revised to remove the prohibition on community colleges from collecting union dues. The bills passed out of committee along party lines.

MASA opposes the legislation because it creates undue reporting requirements for districts and strips management of the ability to use leave time as a tool. These bills have passed the Senate in recent sessions, but have failed in the House.

The committee also took introductory testimony on SB 889 sponsored by Sen. Phil Pavlov (R-Saint Clair). The bill eliminates the basic skills test requirement for teaching certificates. It also removes the requirement for non-certified teachers to pass a basic skills test in order to teach for more than one year. This legislation reflects a bill earlier this year, SB 727, that removes the basic skills requirement for interim teaching certificates.

MASA supported the earlier version and remains supportive of the concept.

State Board of Education Meeting

The State Board of Education met yesterday and the Office of Partnership Districts gave an update on progress. MDE is anticipating an additional 40 schools to enter partnership agreements; the names of those schools will be released on March 30th. At that time the department will begin discussion with newly identified schools under the leadership of Dedrick Martin, the new state school reform officer.

In terms of financial assistance, Sec. 21h funds will still be awarded with \$2 million of the \$6 million allocated in total. Applications for grant funding are accepted on a continuous basis.

Board members asked how communities are able to be involved with schools and expressed a need for businesses to have an opportunity to develop partnerships with schools. Additionally there was discussion on how these partnerships could be retained as schools improve.

Also at the meeting, MAISA gave a presentation on essential practices for literacy instruction and an overview of their General Education Leadership Network. They shared with the board the research the collaborative has conducted thus far as well as their goals to build capacity among teachers, coaches, literacy and system leaders as a statewide coordinated effort. You can find more information on their success [here](#).

ICYMI: Michigan Department of Treasury: New Website Explains Michigan School Finances

LANSING, Mich. – Michigan residents can now view the fiscal health of schools across the state through the MI School Financials Dashboard, according to the Michigan Department of Treasury.

The new, easy-to-use website provides visual financial data about Michigan's local school districts, intermediate school districts and public school academies through interactive maps, pie charts and graphs. Michiganders can view and compare school revenues and expenditures, as well as student count and funding per student, among other topics.

"This dashboard provides a financial snapshot of the state's nearly 900 schools," said Deputy State Treasurer Dr. Eric Scorsone, head of Treasury's Local and State Finance Group. "Taxpayers can explore an interactive map to obtain a better understanding about their school's finances."

The MI School Financials Dashboard uses data schools are required to report to the Center for Educational Performance and Information (CEPI). Other sources of data include Michigan GIS Open Data and Michigan Department of Education's Bulletin 1014.

To view the fiscal health of Michigan's schools, go to mischoolfinancials.michigan.gov. As new data becomes available, information on the dashboard will be updated and refreshed.

Last year, the state Treasury Department debuted the MI Community Dashboard, highlighting financial data reported annually by the state's counties, cities, villages and townships. To learn more about the MI Community Financial Dashboard, go to micommunityfinancials.michigan.gov.