

LegislativeUpdate

Michigan Association of School Administrators | April 13, 2018



In this update:

- Summary
- House K-12 Budget Released
- New Schools Enter Partnership Agreements
- Michigan Supreme Court Hears Gun Restriction Cases
- AASA Federal Update
- MASA/MASB Legislative Conference
- MASA Legislative Advocacy Days

Summary

The Legislature returned Tuesday after 2 weeks off for their spring recess. Surprisingly, we did not see much committee activity on education issues. The

House did release their K-12 Budget this week which was detailed in last Tuesday's email (also below).

Our Government Relations and Policy Committee met this week and acted on several items. Materials will be disseminated to regions shortly so be on the lookout for that information from your Region representative.

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

House K-12 Budget Released

The House version of the budget differs significantly from the Senate version. Most importantly the House budget is \$86.3 million higher than the Governor's recommendation.

The House recommends Gov. Snyder's per-pupil increase of \$120-\$240 distributed through the 2X formula. This amount puts the foundation allowance levels to a minimum of \$7,871 and a maximum of \$8,409. The House version does not make changes to the foundation allowance for cyber schools. Additionally, the current funding for shared time instruction is maintained. No significant changes to MPSERS were in the House version. However, the House did agree with the Governor and excluded ISDs from Sec. 147a, which differs from the Senate Budget.

The House version includes the language that prohibits a school district from suing the state and also includes the language that MDE declared to be unenforceable related to collective bargaining provisions.

The Marshall Plan for Talent is included in the House version. Different from the

separate standalone bill expected from the Senate, the House includes many of the items from the Governor's proposed plan. Funding for curriculum creation, online career preparation tools, competency-based education pilots, talent pledge scholarships, and an Innovative Educator Corps Production were all included in the House Recommendation. Notably, the House version does not fully fund the Marshall Plan and excludes dollars for the following elements of the Marshall Plan: awareness campaigns, critical shortage certificate programs, university partnerships and career navigators. Additionally, the per-pupil allocation for CTE programs and CTE programs in high demand were excluded.

The House restored all areas where non-public school funding was eliminated by the Governor's recommendation, a decision the association asserts is unconstitutional.

Budget decisions will be delayed until the May Consensus Revenue Estimating Conference. Our Government Relations team is currently developing a detailed budget summary that will be available for reference.

Senate Acts on Criminal Sexual Conduct Bills

The Senate Judiciary committee favorably reported a package of Criminal Sexual Conduct Bills this week. As shared in previous updates the package primarily aims to prevent perpetrators of criminal sexual conduct against classmates from going to the same school as the survivor/victim.

HB 5530 requires courts to issue an order prohibiting a student who is convicted of criminal sexual conduct charge or assault with the intent to commit 1st, 2nd or 3rd criminal sexual conduct from attending the same school as the victim/survivor in

the case.

HB 5531 requires the permanent expulsion of a student who is convicted of any criminal sexual conduct charge or assault with the intent to commit 1st, 2nd or 3rd criminal sexual conduct if the survivor attends the same school. Current law only requires such action if the offense occurs on school property. This bill expands that to include offenses committed anywhere.

HB 5532 amends the personal protection order (PPO) rules to add language to prevent a perpetrator from attending school in the same building as the petitioner of the order. MASA is working closely on this legislation with a number of stakeholders. The intent of the legislation is to protect students and survivors of sexual assault.

During committee, Senator Judy Emmons (R-Sheridan) offered an amendment to HB 5530 that changes language that originally read a court *may* prohibit a student from returning to the same school as the victim in the case. Instead, the bill reads that a court *shall* prohibit a student from returning to the same school as the victim in the case. The bills now advance to the Senate Floor. MASA will continue to monitor the bills and send updates on any future changes.

New Schools Enter Partnership Agreements

The School Reform Office gave an update on partnership districts at the State Board of Education Tuesday. Dedrick Martin, the new state school reform officer, reported that in March 21 new districts with 24 new schools were identified as low achieving and subsequently entered into partnership agreements. With the most recent additions, in total 162 schools across 37 districts are now under partnership agreements with the state. The newly identified districts are currently scheduling

face-to-face meetings as well as final signing days with the state. Martin spoke to recent changes to the accountability system and highlighted new components on the index. Accountability measures now include proficiency, growth, graduation rate, performance of English language learners, school quality, and testing participation.

The Board had several questions including if there are common problems across schools with partnership agreements and if the state is giving more time for struggling schools to see improvement. Identified schools will be assessed after 18 months on their progress. The first cohort of schools under agreements will reach the 18-month mark in June. The state said that they are not in favor of moving or modifying a school's benchmarks under their agreement. It is anticipated that both Martin and State Superintendent Brian Whiston will check with these schools every nine months. At which point agreements may be extended with schools achieving progress toward their benchmarks. Martin stated that the department is finished at the moment and will not be identifying additional schools. Several board members stated that more schools have been identified as failing than anticipated.

Michigan Supreme Court Hears Gun Restriction Cases

This week the Michigan Supreme Court heard arguments in the weapons case brought by Michigan Gun Owners, Inc and Michigan Open Carry, Inc against Clio Area School District and Ann Arbor Public Schools. Justices listened to attorneys on specific points about whether a board of education's policies are preempted by state law and case law.

Both cases are related to policies implemented by districts that banned all guns from school grounds except for police. This issue exacerbates the open carry loophole that allows for individuals to open carry guns in gun-free zones such as

schools. Gun advocates argue that local school boards can't make policies that undermine Michigan law.

In both cases, an appeals court previously ruled that schools have the right to enforce their weapons ban. There is no designated date for when the Supreme Court will decide how the case will proceed. Possible outcomes include a decision to uphold the Court of Appeals earlier ruling, reverse the lower court decisions or grant leave for the appeal. If appeals are permitted, it would lead to further briefings and the Supreme Court issuing a decision.

AASA Federal Update

Less than one month after Congress passed a bipartisan funding deal for federal fiscal year 2018 (FY18), there are proposals that would revert, if not eliminate, the recent commitment to federal investment, with potentially dire consequences for education.

There are two different avenues under consideration, outlined here for your reference. Both would undermine the vote to raise the spending caps for FY18 and FY19, which was adopted with bipartisan support and paved the way for the final FY18 package adopted in late March. (Read [AASA's analysis](#) of the FY18 deal and its impact on education.)

- Balanced Budget Amendment (BBA): This is a new push for an old topic, the idea of a balanced federal budget. House Republicans are expected to vote in April on a constitutional amendment calling for a balanced budget. This vote is part of a deal made to win the support of conservatives to pass the budget resolution that included the fast-track provisions that made last year's tax plan possible (remember all that fun?!).

- AASA has historically opposed a push for a balanced federal budget. We support fiscal restraint and responsibility, but the reality of requiring a balanced federal budget raises a whole new host of concerns, including the inability to provide emergency funding (think: America Recovery and Reinvestment Act and any of the recent natural disaster emergency spending).
 - AASA is also concerned that such a vote is hypocritical. The idea that Congress would support a balanced budget but only after passing the tax overhaul in 2017 that relied on \$1.5 trillion in deficit spending is illogical, at best. The vote is expected to get next to zero traction: while it may pass the House, it is not expected to pass the Senate or to get the support of the required three-fourths of states.
 - The Congressional Research Service developed a [handy issue brief](#) if you want to geek out on BBA. You will be able to read about the possible economic impacts of requiring a balanced federal budget, the recent Congressional history around BBA, and the process that would be involved.
- Rescission: This proposal comes from the White House and stems from the Administration's interest in proposing a package of spending cuts. While this is also very unlikely to get any traction, we need to be diligent in communicating our opposition to any such effort.
 - In this scenario, the President would recommend rescinding (cutting) funds for certain programs within FY18. Any rescission would take the support of Congress, meaning they'd have to vote to make cuts to the very funding package they just adopted. This is NOT a line item veto; a Presidential line-item veto has been deemed unconstitutional, but it does work in a similar manner in that the

President would identify specific cuts to make and Congress would vote.

These conversations are just getting started and the AASA advocacy team will be engaged in efforts to defeat both proposals and will make the appropriate information and calls to action available to our members via the [AASA Leading Edge Blog](#).