

# LegislativeUpdate

Michigan Association of School Administrators | April 20, 2018



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Summary

This week all eyes were on the House Appropriations Committee as they finished their work on the budgets for state government. The School Aid Budget was approved Wednesday afternoon and remains largely unchanged from the version passed by the K12 Subcommittee. MASA is concerned about the language in Sec. 31a (At-Risk) and remains hopeful that a compromise can be reached. Check out our budget resource center [here](#) for more information.

Additionally, the Governor released his school safety plan. Please see additional details below.

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

### House Committee Approves Budgets

This week the House Appropriations Committee approved its budget bills. In total, the House budget bills are significantly less than the Governor's recommendation. The House spent \$164.4 million General Fund less than the Executive Recommendation. While we saw variance between the House and Senate use of General Fund and School Aid dollars, spending on education is similar. With the remaining funds the Speaker indicated that he would like to see the money go towards roads or additional mental health funding. Additionally \$25 million General Fund dollars were added to the Department of State Police to accommodate costs related to the school safety initiative.

During House School Aid Budget discussions we saw several amendments proposed. Rep. Tim Kelly (R-Saginaw) had three amendments adopted. One of them prohibits the use of Creative curriculum for Great Start Readiness Programs, but allows for any other program to be used. Rep. Fred Durhal III (D-Detroit)

proposed an amendment to instead allow GSRP to use any curriculum, but it failed on a party-line vote. Rep. Kelly had a second amendment that added \$500,000 back in the budget for the Imagine Math program, stating that he had made an oversight in not including the funds in an early version of the budget. Rep. Kelly also successfully amended the budget to include additional dollars for OK2SAY in order to fulfill the Governor's school safety plan.

Rep. Kristy Pagan (D-Canton Twp.) offered a failed amendment to restore the cyber school reduction proposed by the Governor and instead put the funds back into the foundation allowance. She also offered an amendment to subject charter schools with for-profit operators to payments to MPSERS. The amendment was not adopted.

Rep. Tom Cochran (D-East Lansing) offered an amendment to remove the \$2.5 million for reimbursing nonpublic schools for compliance costs. The amendment failed.

Rep. Pam Faris (D-Clio) attempted to replace one-time funding for the CTE reimbursement program by reducing the cyber school foundation allowance to 75 percent. The one-time funding would allow for the Michigan Education Corps reading program to be funded. The amendment was not adopted.

### House Discusses Nassar Inspired Legislation

The House began discussions this week on legislation recently introduced in response to the acts perpetrated by Larry Nassar at MSU. There are several bills up for consideration in the House Law and Justice Committee that seek to prevent this type of atrocity from happening in the future. This week the committee mainly covered legislation to reform the medical profession by revising the length of time

for the retention of medical records and penalties for the sexual contact or penetration under the pretext of medical treatment.

There are also a number of bills that address various educational aspects of the case. Those that will have potential impact for MASA are outlined below.

HB 5785 - Rep. Kim LaSata (R-Bainbridge) - requires that instruction in grades 11-12 in sex education includes information on domestic violence and teen dating violence. Instruction must include the characteristics of a healthy relationship, identification of the signs that an individual may be a victim of domestic violence, among others. Schools are allowed to work with outside entities to develop curriculum to meet the requirements of this bill.

HB 5786 - Rep. Cara Clemente (D-Lincoln Park) - requires MDE to maintain records that detail reasons for terminations of public school employees. Individuals would be able to review their record and may request the correction or removal of any portion they believe is incorrect. If no agreement is reached, an individual can submit a written statement and MDE must keep it with rest of the contents of their record.

Individuals that wish to be reemployed in a school district, ISD or PSA must sign a waiver allowing MDE to disclose their record to their prospective school employer. The waiver then will be submitted by the prospective employer to MDE and will be addressed within 20 business days. The bill also states that MDE will be immune from an any civil liability for the disclosure for the requested information unless they had knowledge that the information was false or misleading.

HB 5791 - Rep. Stephanie Chang (D-Detroit) - requires MDE, the Michigan Domestic & Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic & Sexual Violence to develop age-appropriate

informational materials regarding identifying sexual assault/harassment, explanations that it isn't the victims' fault, and resources available to victims of sexual assault and harassment, as well as their families and friends. Materials will be developed for students in grades 6-12 and must be available for all districts, ISDs and PSAs. Schools must disseminate that material, along with information on the school's Title IX coordinator and the school's policies on sexual assault and harassment to all enrolled pupils. The information must be accessible on a school's website and included in the student handbook. School boards engaged with a local organization that receives funds from the Michigan Domestic & Sexual Violence Prevention and Treatment Board are encouraged to provide training in responding to pupils who have experienced sexual assault or sexual assault for school personnel every 5 years. Training could qualify as professional development.

HB 5796 - Rep. Kristy Pagan (D-Canton Twp.) outlines new mandatory reporter training that will be developed by MDE in collaboration with the Michigan Domestic & Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic & Sexual Violence. Employers or organizations with mandatory reporters, both paid and volunteers, must provide a training package to mandatory reporters. MDE will make the training available both electronically and in hard copy form.

HB 5797 - Rep. Pagan - creates an additional exemption from FOIA when it would reveal the identity of an individual who proceeds anonymously in a civil action alleging they are a victim of sexual misconduct.

HB 5799 - Rep. Pamela Hornberger (R-Chesterfield) - states that statewide elected officials, including State Board of Education members, may be removed from office upon conviction in impeachment proceedings for the reasons set forth in the state constitution. The bill also clarifies that the Governor has the power to remove these designated officials from office, regardless of whether the legislature is in session.

HB 5800 - Rep. Yousef Rabhi (D-Ann Arbor) - designates actions a school must take when a student reports being sexually assaulted. The bill also prohibits expelling or suspending a student who reports such an incident for more than 10 days, regardless of any actions the student might have taken during the alleged incident.

It is anticipated that the hearings on these bills will consume most of the month of April and that the Law and Justice Committee will then begin hearings on the Senate bills that came over last month. MASA is involved in discussions with lawmakers on these bills and we welcome member feedback.

### Senate Revisits Critical Shortage Substitutes

This week the Senate Education Committee revisited a bill that was reported out of the House last April. HB 4422 sponsored by Rep. Holly Hughes (R-White River Twp.) addresses the sunset on a provision that allows retirees to teach in critical shortage areas without losing access to their retirement allowance. The House-passed version of the bill had eliminated the sunset all together. The provisions were initially set to expire on July 1 of this year. On Tuesday, the Senate amended the bill to reinstate the sunset and instead set a new expiration of July 1, 2021. Additionally, unlike the House passed version, the Senate substitute will still require schools to pay the unfunded liability for retirees that return to work as substitute teachers under this provision.

MASA had an official position of support of the bill that passed the House and will continue working with lawmakers to help provide relief from the upcoming July 1 expiration.

## School Safety Legislation Introduced

This week Gov. Rick Snyder announced his school safety plan. It includes \$20 million for building improvements and new requirements for School Resource Officers as well as additional funds for the existing OK2SAY program. His plan does not include funding for additional personnel like the proposal that MASA has been working on, but the facility grants are a component of the Michigan School Safety Reform Plan. Gov. Snyder's announcement was made with members of House Leadership, and several bills were introduced this week by Republican members on elements of his proposal.

HB 5828, sponsored by Rep. Jason Wentworth (R-Clare), is the main bill in the package and the foundation for the Governor's plan. The bill designates the comprehensive school safety plan fund within the Department of Treasury, and also creates the School Safety Commission. The commission will be comprised of the director of the Department of State Police, the state superintendent, and the director of Health and Human Services. They will serve on the commission for a 4-year term or until a successor is named. The directors may designate an individual in their place to be on the commission. The Governor will appoint an individual to represent each of the following areas: local law enforcement, teachers, school administrators, and an expert on behavioral and mental health. Local law enforcement and teacher representatives will serve 1-year terms, while school administrators and behavioral and mental health experts will serve for 4-year terms. Additionally, the Governor will appoint an individual recommended by the speaker of the House, the Senate majority leader, the House minority leader and the Senate minority leader to 2-year terms. If any vacancies arise, the Governor will appoint a replacement in the same manner. The Governor will also remove any member for incompetence, malfeasance or any other good cause.

The commission will make recommendations on the school safety measures and metrics that will be used to evaluate schools. Measures will address school building layouts, building proximity to law enforcement agencies, emergency planning strategies, employment of SROs and surveillance technology, among others. The commission will implement a plan to ensure each school building is inspected within 30 months and employ school safety inspectors to make recommendations to the commission after every inspection. The commission will then issue a safety grade to the governing body of the school. Schools will be designated as optimal, adequate or inadequate. Optimal schools are buildings that meet all safety requirements and will not be re-inspected for 7 years. Adequate schools will have additional safety measures to implement and will be re-inspected after 5 years. Inadequate schools are identified as needing urgent building improvements to ensure student safety and will be evaluated within 2 years of the initial inspection.

In addition to the building inspection, schools will only receive optimal safety grades if they are employing best practices and a “team approach to school safety.” Optimal schools will have created a behavioral and mental health assessment team to prevent school violence. The team will partner with local community organizations, utilize age-appropriate interventions and use the criminal justice system as a last resort. The commission will also develop and distribute badges to schools with optimal safety ratings so that it can be displayed on a school’s website or within the school building.

Funding will be expended through competitive grants to schools; application details will be developed by the commission. Grants will be awarded for 1 year, and schools that have received an inadequate safety grade will be prioritized. Grant funds can only be used to implement additional safety measures by either purchasing and installing security equipment and school building upgrades.



HB 5829 sponsored by Rep. Pamela Hornberger (R-Chesterfield) is tie-barred to HB 5828 and outlines the school safety liaisons detailed above. All school boards will designate a liaison to work with the School Safety Commission. The individual will be employed by the district to regularly and continuously work under contract with the district. The liaison will identify and evaluate school safety measures for the commission's review. Districts must submit to an inspection of every building operated with the district.

HB 5830 sponsored by Rep. Robert Kosowski (D-Westland) provides for the adoption of safety protocol procedures and building code standards for any newly erected or constructed schools. All new school buildings, both public and nonpublic, must be constructed with the safety measures defined by the commission. Standards will be determined in the following areas: schematic of school building layouts, surveillance technology, remote door locks, weapon identification devices (including metal detectors) and reinforced entryways.

HB 5848 sponsored by Rep. Tom Barrett (R-Pottersville) mandates that the Department of State Police will develop or adopt an active shooter training program for schools by August 1, 2019. The bill requires schools to conduct active shooter training annually. HB 5848 was referred to the House Education committee.

HB 5828, 5829 and 5830 outline several of the priorities in Gov. Snyder's school safety plan. Companion bills in the Senate have not yet been introduced, but are expected because there are placeholders in the House language. Additional bills were introduced in both the House and Senate to address the remainder of the Governor's proposal and are detailed below.

SB 957- Sen. Ken Horn (R-Frankenmuth) - and HB 5850 - Rep. Brandt Iden (R-Oshtemo Twp) - eliminates the sunset of the Student Safety Act.

SB 958 - Sen. Darwin Booher (R-Evart ) - and HB 5851 - Rep. Beau LaFave (R-Iron Mountain) - add a requirement to the Revised School Code to require schools to report annually on attempted acts of school violence. School districts will provide reports to the Michigan Department of State Police. Reports will include attempted acts of violence on school grounds and threats off school grounds that are directed at school, staff or students. Both prevented and thwarted acts of violence must be included. Reports will include a description of the incident and how the incident was thwarted or prevented and exclude the name of the school or names of any individuals involved. The state police will generate an annual report with this information and provide the report to the School Safety Commission.

SB 959 - Sen Dale Zorn (R-Ida) - and - HB 5852 Rep. Joe Bellino (R-Monroe) - add a requirement for the Michigan Commission on Law Enforcement Standards to include active shooter training that emphasizes gaining of tactical advantage and the rapid response of law enforcement officers. A commission will promulgate rules to develop the minimum standards for active shooter training. It will include scenario-based training, formations with law enforcement officers and coordination with first responders.

## AASA Federal Update

### **Balanced Budget Amendment Fails to Advance**

Last week the House voted on a Balanced Budget Amendment. AASA sent a [letter of opposition](#) regarding the amendment. This constitutional amendment would force the federal budget to not exceed revenue. This would lead to massive cuts and likely significant entitlement reform. As a constitutional amendment, it required a two-thirds majority to pass the House, and the votes were 233 yes and 184 no,

so it will not advance. While there is very little chance this will pass the threshold needed to become a constitutional amendment, this reflects the Republican party's priority of significant spending cuts.

### **AASA Releases Statement on Discipline Guidance**

Education Secretary Betsy DeVos is considering scrapping the Obama-era discipline guidance regarding disproportionate discipline. Sasha recently met with Secretary DeVos, and shared the preliminary results from our recent advocacy survey. Dan released a statement on the guidance, available [here](#).

