

LegislativeUpco

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Summary

The budget process is progressing toward a final product, as both the House and Senate full Appropriations Committees have reported their recommended budgets. MASA still remains concerned about the section related to At-Risk funding and continues to urge lawmakers to look at alternative language, including that proposed by Gov. Snyder.

We had good news out of the Court of Claims related to the lawsuit over public dollars flowing to private schools, despite the House and Senate including the provision to some extent. Michigan Court of Claims Judge Cynthia Stephens ruled that the state cannot distribute \$2.5 million of public funds to private schools, saying that doing so would be unconstitutional. We now wait to see if the state appeals this decision to the Court of Appeals and/or files a motion for reconsideration, but for now we are in a good place.

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

Senate Budgets

The Senate Appropriations Committee reported its version of the budget on Wednesday after lengthy debate. For the School Aid Budget, overall the Senate version is \$96 million higher than the Executive Recommendation. That is mostly due to the Senate's decision to restore most of the governor's major cuts, such as cyber school funding and shared time. Three spending items were changed from the version passed out of the Senate subcommittee: An additional \$250,000 was included for operations for the Conductive Learning Center; \$50,000 was added for the summer reading pilot program; and a \$100 placeholder was implemented for Imagine Español.

Notably the Chair of the Senate K-12 Budget subcommittee, Sen. Goeff Hansen (R-Hart), stated that the At-Risk language is not complete and additional work will need to be done to ensure there are no unintended consequences. You can find more information on Sec. 31a [here](#).

The only boilerplate change was in regards to the MI Teacher Council; an amendment was added to include this proposal. As a reminder, the Senate's version of the budget has significant changes for partnership agreements that require agreements to now include goals and benchmarks that will be achieved before districts begin to receive funding.

One amendment to the K-12 budget passed during committee from Sen. Dave Hildenbrand (R-Lowell) to include a \$100 placeholder for reimbursement of non-public schools with the intent of continuing this conversation. With yesterday's Court of Claims ruling against this section, it's uncertain what the future status of this item will be. Additionally, Sen. Hoon-Yung Hopgood (D-Taylor) proposed several failed amendments, including additional funds for preschool and an attempt to restore the large amount of School Aid funds in the budget that currently support things other than public schools.

School Safety Dollars Also Discussed

The committee also discussed SB 601, the Senate's funding source for school safety. In total, the bill appropriates \$18.65 million of General Fund revenue. \$15 million would go to state police for K-12 facility grants, with remaining funding designated for expanding OK2SAY and for a new alert system. The \$15 million available to schools for grants has a number of restrictions. First, \$5 million is available to all public and non-public schools (again, probably an unconstitutional addition) and ISDs. All eligible entities would be able to apply only once. Under the \$5 million categorical, grants to individual schools are limited to \$25,000 and school districts and ISDs are capped at \$250,000. There is no limit or restriction for the remaining \$10 million available for grants under the bill, however applicants must provide 25% matching funds.

The bill gives power to the Department of State Police to decide what expenditures are eligible for grant funding. The department is required to release grant applications by July 1, award funds by October 31 and provide a report by December 31 of this year. It was clarified during the committee hearing that schools will first complete the work and then be reimbursed for their expenses upon completion. Administrative buildings would not be eligible for grants. All

projects approved through the grant program would have to be finished no later than March 1, 2019. Similar competitive grants have been managed and awarded by Michigan State Police in 2015 and 2017.

The plan also gives \$3 million to State Police in order to implement a statewide K-12 panic button system for public schools. RAVE Mobile Safety testified about the details of this proposed system. The panic system will be utilized through an application on mobile devices. The \$3 million appropriation will allow for this technology to be installed in all K-12 private, public and charter schools. Following years will still require an appropriation for this program's continued use, estimated to be 15% lower than the initial \$3 million.

SB 601 also expands OK2SAY by giving \$150,000 to State Police to hire an additional person to report threats of school safety and \$500,000 to the Attorney General's Office.

Several failed amendments were offered by Democrats before the bill was reported out of committee unanimously. Sen. Coleman Young II (D-Detroit) proposed \$35 million to additionally be awarded for the purposes of employing school counselors and school resource officers.

Sen. Dave Hildenbrand (R-Lowell) stated that the \$18 million under SB 601 is the first step of several to address school safety. Further, he said that the grants outlined in the bill will go a long way in securing safe environments for both students and staff.

MASA Raises Concerns over House School Safety Bill

The House Appropriations Committee met Tuesday to discuss bills proposed by the House related to school safety. As we summarized last week, this bill package is modeled after several elements of the governor's school safety proposal. This week the bills that establish the School Safety Commission, reporting on school violence, school liaisons and new construction requirements were discussed. Much

of the committee's discussion was about the requirement in HB 5830, sponsored by Rep. Robert Kosowski (D-Westland), that all new school buildings have metal detectors installed. Bipartisan concerns were raised to the implications of this mandate including the psychological implications for students. The bill sponsor indicated a substitute is coming that will revise HB 5830 to require new buildings to have a few, rather than all, of the required safety measures, so that metal detectors would not be required.

The Department of State Police testified to the concerns many have in awarding safety grants to schools. Although only schools that receive optimal grades will be known to the public, First Lieutenant Amy Denher stated that this may encourage bad actors to target those schools.

MASA testified with MASB on several concerns with the legislation. First, this bill package does not include mental health professionals or provide dollars for additional school resource officers, as we have been pushing for several weeks. Further, the commission outlined in HB 5828 will not begin to evaluate schools until July 2019, whereas we need solutions and boots on the ground now. MASA also has concerns over the labeling of schools and certain mandates on new construction. We are working with bill sponsors to address our concerns.

Mandatory Reporters Discussed in House

The House continued discussions this week on legislation in response to the acts perpetrated by Larry Nassar at Michigan State University. As summarized in last week's Legislative Update, there are several bills included in this package, and specific ones address educational aspects of the case. This week the House took up the mandatory reporting and sex ed bills.

On Tuesday, the House Law and Justice Committee began to discuss legislation that will impact schools. The committee heard testimony on HB 5791 sponsored by Rep. Stephanie Chang (D-Detroit). The bill requires MDE to develop and implement age-appropriate informational materials regarding identifying sexual

assault/harassment, explanations that it isn't the victims' fault, and resources for victims of sexual assault and harassment, as well as their families and friends. Materials would be developed for students in grades 6-12, and would be available for all districts, ISDs and PSAs. School Districts would be able to decide how information is distributed. Testimony included two students in support of the bill who stated that this legislation will help contribute to larger discussion and will help deter a culture of victim blaming.

HB 5785 is sponsored by Rep. Kim LaSata (R-Bainbridge) and introduces additional requirements for sex education courses. Specifically, the bill requires courses to cover domestic violence, sexual assault and teen dating violence, but allows for the district to decide what curriculum is used, rather than the state creating a uniform curriculum for all schools. The representative stated that she intends to amend the bill to remove the grade requirements and give the district discretion to decide at what grade levels to implement the curriculum.

Rep. LaSata additionally testified on HB 5539, her bill to expand OK2SAY to allow the public to submit information regarding sexual abuse, assault, or rape among the potential harm or criminal acts.

On Wednesday, the committee started discussion on legislation revising mandatory reporting requirements and penalties. HB 5659, sponsored by Rep. Beth Griffin (R-Mattawan), expands mandatory reporting requirements to include coaches, athletic trainers, and post-secondary athletic employees as mandatory reporters. Rep. Griffin stated that coaches, like teachers, spend a significant amount of time with children and would be able to identify instances where children are being neglected or abused. Physical therapists and physical therapist assistants will be added to the bill in a later version. SB 874 and SB 880, sponsored by Sen. Rick Jones (R-Grand Ledge), would increase the penalties for individuals who fail to report suspected child abuse or neglect. Currently, the failure of a mandatory reporter to report an incident is a 93-day misdemeanor; the bills change this to a 2-year felony. Volunteers involved with youth sports would also now be mandatory reporters under these bills, and would be given a 1-year misdemeanor if they fail to report. The senator's bills are modeled after the

changes Pennsylvania made after the Penn State University case.

Committee members raised concerns that for certain activities with already limited volunteers, these changes would further exacerbate the problem of finding volunteers to coach sports. Additionally the Chair discussed that the definition of child neglect and abuse could be overly broad and difficult for coaches and volunteers to identify. He stated that the legislature may want to look at revising that language. The Department of Health and Human Services testified that they estimate an increase to the number of complaints with expansion of mandatory reporters. They further estimate that those new complaints would cost approximately \$53 million due to the additional staff needed to accommodate the number of reports. The figure was estimated based on the increases for the State of Pennsylvania's reports after a similar change was made.

Rep. Griffin stated she intends to amend her bills in order to outline how coaches and volunteers would be notified that they are mandatory reporters and clarify that minors that are coaches or volunteers would not be included under these changes.

Further testimony is expected. MASA will be looking to take positions on these bills at our May Government Relations and Policy Committee meeting.