

LegislativeUpdate

Michigan Association of School Administrators | May 11, 2018



Along with so many others in the education community, MASA is mourning the loss of State Superintendent Brian Whiston, who died on Monday after a battle with cancer. Brian was a tireless advocate for children and a friend to all who knew him. We ask that you keep the Whiston family in your thoughts.

Memorials may be made to the Juvenile Diabetes Research Fund, the Waterford Foundation for Public Education or the Dearborn Foundation. The online guestbook can be viewed at www.modetzfuneralhomes.com.



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Summary

This week the House passed out a number of bills related to school safety and the plan endorsed by MASA has been introduced.

The teacher prep package appears to be on ice for the time being as reports from House leadership indicate that there is no imminent plan to move the bills.

The May Consensus Revenue Estimating Conference is next week and the State budget hinges on that event for completion. Most signs point to revenue growth, so we don't anticipate the budget numbers will change much between now and then.

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

Bills Signed by the Governor

Gov. Snyder's pen got a workout this week as he signed four bills into law that will impact schools.

HB 4422 amends the Public School Retirement Act (MPSERS) to allow certain

retirees to work without losing retirement benefits while providing certain services to schools in an identified critical shortage discipline or as a substitute teacher, instructional coach or school improvement facilitator. These provisions currently are included in the Act with a sunset of July 1, 2018; the bill would remove the sunsets and revise additional conditions pertaining to substitute teachers.

Currently, a teacher who retired between June 30, 2010, and September 1, 2015, who meets the requirements of a bona fide termination and whose compensation as a substitute teacher would be less than 1/3 of the teacher's final average compensation, may work as a substitute teacher without losing certain benefits. The bill would extend the retirement deadline of eligible retirees by one year to September 2, 2016.

Gov. Snyder also signed three bills related to sexual assault and students:

- HB 5330 prohibits a student who is convicted or adjudicated for criminal sexual conduct or assault from attending the same school building or using the same school bus as the victim.
- HB 5331 requires a student guilty of committing criminal sexual assault against another student to be expelled from school.
- HB 5332 prohibits a student who has committed criminal sexual conduct against another student and has a personal protection order issued against him or her from attending the same school as the victim.

School Safety Reform Plan Legislation Introduced

On Wednesday, a package of bills was introduced in the House based on the School Safety Reform Plan. MASA joined a coalition that includes law enforcement and education groups earlier this year to push for meaningful action on school

safety. The coalition released a proposal that outlines effective strategies to prevent violence in the classroom in the short term and the long term. The proposal calls for a \$100 million grant program for school personnel and \$20 million for infrastructure grants.

The main bill in the package HB 5966, sponsored by Rep. Aaron Miller (R-Sturgis), creates the school safety and student mental health grant programs. Grants would be administered by the Michigan Department of Education (MDE) and divided into three categories: school resource officers (SROs), school mental health professionals, and school facility grants.

For the SRO grant program, applications would include a description of how the applicant plans to sustain the employment of the SROs established by the grant after it expires. Grants would be awarded for three fiscal years and would be distributed in one payment at the beginning of the first school year the grant is awarded. The following year the payment would be 67% of the initial funding and the third year would be 33%. Grant applications would be available beginning July 1, 2018 (this is subject to change based upon when the program is actually enacted). Districts that receive funding would contract with a law enforcement agency for an SRO. The funds may not be used to fund already existing contracts with law enforcement. Grants would be awarded with the intent to establish at least one SRO in every district. Beyond that, the bill seeks to allow for sufficient SROs in remote or isolated school districts and employ at least one SRO in every public school. Finally, through the grant programs, the bill intends to improve the ratio of students to school resource officers statewide.

The bill also establishes a grant for school mental health professionals. These grants aim to assist public schools in employing new or additional qualified school mental health professionals. The program funding structure is the same as the SRO program described above. This program intends to achieve the following

ratios: no more than 250 students to every school counselor, no more than 700 students for every school psychologist and no more than 400 students for every school social worker. MDE would give priority to applicants that require the greatest financial assistance to achieve these ratios.

HB 5966 also creates the school building security grant program. The intent of these grants is to provide funding to improve the safety and physical security of school buildings. Funding would be used for building upgrades, including the purchase of equipment and technology. Funding could also be used for the purpose of conducting annual assessments of school buildings. Priority will be given to schools that did not previously receive a grant from the competitive school safety grant program under the Department of State Police. Applicants that request funding for the purpose of securing exterior access points of school buildings will also be given priority.

HB 5967, sponsored by Rep. Robert Kosowski (D-Westland), amends the child protection law to require mandatory reporters to also report when he or she learns of a credible threat against a public or non-public school. A credible threat is considered to be a verbal or nonverbal threat that places individuals or a group in reasonable fear for their safety. Threats also include those delivered by electronic communication.

HB 5942, sponsored by Rep. Beau LaFave (R-Iron Mountain), establishes that threats against schools would be considered a misdemeanor. Threats that are reasonably interpreted to be harmful or adverse to human life are punishable by up to one year of imprisonment or \$1,000, or both. A person who is found to have specific intent to carry out the threat or undertaken an overt act towards carrying out the threat would be guilty of a felony. This is punishable by no more than 10 years of imprisonment or \$20,000, or both.

MASA is very eager to get this bill package moving and will be working with lawmakers and our members to advocate for its passage.

Senate Education Committee Talks Teacher Certification

The Senate Education Committee took up HB 4614, sponsored by Rep. Aaron Miller (R-Sturgis). The bill would allow for a specific group of individuals to receive a two-year extension on a provisional certificate. The Educator Evaluation legislation of 2015 will take effect later this year and requires effective or highly effective ratings from an educator evaluation in order for an individual to receive a professional certificate. This legislation created an unintended consequence for a small group of Michiganders who currently have a two-year provisional certificate extension and will not have educator evaluations, which means they will not receive an effective rating to qualify for a professional certificate. This group includes teachers on maternity or medical leave, those teaching in a childcare center or individuals seeking a teaching position. As it currently stands, these individuals would no longer be eligible for a provisional certificate after two years. HB 4614 will correct this by allowing for unlimited renewals of two-year provisional teaching certifications. The bill was reported out of the House unanimously. MASA supports this legislation.

The committee also heard testimony on HB 5379, sponsored by Rep. Kevin Hertel (D-St. Clair Shores), to allow the possession and usage of sunscreen at school by students. The bill allows for children to have sunscreen at school, on buses and at any activity or event sponsored by a school. Students would be required to have written approval from a parent submitted to the school. The bill was amended in the House to clarify language that items permitted at school can be anything that meets the requirement of a "United States Food and Drug Administration

approved, over-the-counter topical substance." This includes sunscreen, antimicrobial or antifungal products, external analgesics including lidocaine, psoriasis or eczema topical treatments, or any other topical product with a therapeutic effect. After working with the sponsor to make a few changes to the legislation, MASA was able to offer a position of support for HB 5379.

MDE Update

MEMO #071-18

Education-Related Professional Development Credit for School Safety Training

In light of recent school events around the nation, and in support of Goal #3 of the Top 10 in 10 to develop, support, and sustain a prepared workforce, school safety training has been approved for professional development credit for the current and upcoming academic years (2017-2018, 2018-2019) for use when renewing or progressing an educator certificate.

https://www.michigan.gov/documents/mde/safety_622849_7.pdf

Federal Update from AASA

The VOUCHER fight of 2018: Are you weighing in?

It is no secret the Trump/DeVos Administration favors efforts to privatize federal education dollars. With the help of a Republican-controlled Congress, they have eked out a few wins this session that further the pro-voucher agenda.

First, in the FY17 Omnibus last year, voucher proponents were successful in getting the only federally funded voucher program—the DC voucher program—reauthorized for five years despite a widely publicized study conducted by the U.S. Department of Education that found DC students using vouchers to attend private schools were performing worse than their public-school counterparts in math and reading.

Second, during the tax reform debate in Congress, voucher advocates received support for a change to 529 college savings accounts that permits taxpayers in some states to use these tax-free accounts to set aside \$10,000 in K-12 private school expenses as well.

However, as soon as the ink dried on tax reform, AASA began fighting the most significant of battles that threaten public education dollars this Congress. Working closely with our friends at the National Association of Federally Impacted Schools (NAFIS) and many other education, civil rights, disability rights, religious and secular groups that belong to the National Coalition for Public Education (which AASA co-chairs), we honed in on a new voucher proposal that would allow active duty military families living on military bases to obtain a \$2,500 voucher (or in some exceptional cases a \$4,500 voucher) to use for private school, homeschool, virtual school, summer camp, tutoring and therapies, or college savings.

The scheme was flexible and straightforward: As long as an active-duty military family would not send their child to a public school full-time they could receive a small but very flexible voucher known as an “education savings account.” How would these vouchers be subsidized? Only through the oldest, most respected and most bipartisan funding stream at the federal level: Impact Aid.

Impact Aid was designed to direct federal dollars to districts who lack tax revenue due to the presence of federal land (forests, military bases/depots, Indian

reservations, etc.). It was never meant to be doled out on a per-pupil basis and it was never meant to be used solely to support military-connected kids. However, the Heritage Foundation, the most powerful conservative organization in the country along with their friends like ALEC, EdChoice, The American Federation of Children, The Club for Growth, and about 20 other heavy-hitting conservative pro-voucher organizations decided this was the education fight for 2018 and they proposed legislation called, “The Military Education Savings Account” (HR 5199/S.2517).

To up the ante to get the bill passed, Heritage took the unusual step of adding co-sponsorship of the bill to its political scorecard—which means a Republican hoping to be in Heritage’s good policy and funding graces during this election cycle would lose points even if they failed to co-sponsor (little less vote for) the bill. To date, there are more than 60 Republicans in the House who are signed on as co-sponsors. That’s 1 out of every 4 Republicans in the House.

The good news? We’ve already won Round 1 in the fight. Despite having considerably fewer resources to go toe-to-toe with these well-funded political organizations, the education community (helped considerably by allies in the military community that we engaged) has succeeded in making Republicans on the House Armed Services Committee uncomfortable enough with this specific proposal that the committee vote on the bill planned for May 9 will not come up for a vote. While we may have won the first battle to protect Impact Aid funding from vouchers, the war is far from over.

Because they were denied a vote in Committee, Heritage and its allies need to rally enough votes to pass this on the floor of the House. The week of May 21 is when the House will be considering this bill as an amendment to the National Defense Authorization Act (NDAA). NDAA is a must-pass bill to fund the Department of Defense every year. The Senate Armed Services Committee will

also be considering this bill as part of their markup of NDAA.

If you haven't weighed in yet with House or Senate representatives—please do! YOUR voice makes a difference in the debate. After personally attending dozens of meetings with House staff over the past three months about the Impact Aid voucher bill, I was repeatedly heartened to hear that they had already heard from school leaders who expressed “strong concerns” with this proposal and that your voices were making a meaningful difference in how Congressional offices viewed the bill.

The takeaway for school leaders: It doesn't matter the opponent—your voice matters.

You are a highly-respected constituent, and all the money and political pressure from the other side doesn't always equate to victory. Keep weighing in. We must stop this new federal education voucher scheme from coming to fruition.