

LegislativeUpdate

Michigan Association of Superintendents & Administrators | June 8, 2018



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Summary

With the summer recess rapidly approaching, we had a very busy week addressing major issues before the Legislature adjourns. Marijuana, no-fault insurance reform, prevailing wage, Medicaid work requirements and the Marshall Plan were all on the agenda this week, in the midst of budget negotiations.

As we mentioned in last night's update, the School Aid Budget is on its way to final passage. It's likely to be completed Tuesday, after which time we will prepare a detailed analysis for members.

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

Senate Finance

The Senate Finance Committee reported three bills to the floor that all have potential to reduce School Aid revenues significantly.

SB 1026 sponsored by Sen. Dale Zorn (R-Ida) and SB 1027 sponsored by Sen. Jack Brandenburg (R-Harrison Twp.) would amend the General Sales Tax Act and Use Tax Act to allow exemptions for the sale or purchase of contact lenses. The Senate Fiscal Agency estimates that the fiscal impact of these bills will reduce state and local revenue by nearly \$12.7 million per year. The effect will be determined by how sales and use tax are affected under the bill, but regardless the School Aid Fund receives 73.3% of sales tax revenue 48% of the state's share of the use tax. The Senate estimates that if these bills pass and the impact occurs completely to sales tax, the School Aid Fund will be reduced by nearly \$9.3 million per year. This will also affect local units of

government.

SB 1031 sponsored by Sen. John Proos (R-St. Joseph) amends the General Property Tax Act to exempt qualified utility personal property. Qualified utility personal property would be considered to be electric transmission and distribution systems, substation equipment, spare parts, gas distribution systems, water transmission and distribution systems, gas storage equipment, and transmission lines of gas or oil transporting companies. This change would reduce state and local property tax revenues and increase expenditures in the School Aid Fund. The impact this bill will have is determinant on the rate new property would be installed and eventually exempt all eligible property. This change would apply to all property installed in Michigan after **December 31, 2017**. The fiscal impact of this change is not certain because as property ages and is replaced, revenue reductions will increase. The Senate Fiscal Agency estimated that SB 1031 would reduce state revenue \$652.8 million, of that revenue \$76.6 million is School Aid Fund dollars. Under this assumption, School Aid expenditures would need to increase by nearly \$243.1 million to maintain per-pupil funding.

These bills are a part of the trend that lawmakers seek to expand tax exemptions at the expense of more stable revenues. MASA is working alongside MASB and other education groups to stop these bills. We encourage members to speak to lawmakers about the trend and how small dollar amounts add up to significant revenue problems.

Senate Education

This week the Senate Education Committee had a full agenda and voted on bills that address several issues.

Teacher Certification Bills

Two bills that will revise requirements to become a substitute teacher, HB 4609 and HB 4084 both sponsored by Rep. Jim Tedder (R-Clarkston), were reported out of committee. As a reminder, HB 4069 allows for an individuals that has at least 60 hours of college credit to serve as a substitute teacher and also would allow for retirees to become substitutes. The 60 credits do not have to be completed in a designated subject area. HB 4084 eliminates the three credits in a reading disability diagnostics course requirement for professional certification.

SB 909 and 910 were also reported and are both sponsored by Sen. Marty Knollenberg (R-Troy). SB 909 would allow for school districts to employ non-certified teachers to teach career and technical education if the individual held a state-issued license or certification in the subject matter they wished to teach. Currently districts can employ a non-certified teacher to teach computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, or robotics. During the first two years, the individual would have to participate in pedagogical skill development and an ongoing mentor program. The bill was amended during committee in order to allow ISDs to operate a teacher preparation program. SB 910 amends the School Aid Act so that a district's or ISD's state aid payment is not reduced because they employ individuals that are non-certified teachers in the areas outlined in SB 909. The bills were also amended to allow out-of-state licenses to qualify the certification requirement.

Michigan Merit Curriculum Flexibility

On Tuesday, the committee also took up SB 175, sponsored by Sen. Jim

Stamas (R-Midland). This bill was introduced last February and extends the sunset on legislation that allows high school students to satisfy one foreign language credit by instead completing a formal career and technical education program or visual or performing arts instruction. SB 175 would allow for students to graduate with this curriculum flexibility until the year 2024. The bill was amended since its introduction; the initial version removed the sunset completely. Another change the amended version contains is a reporting requirement for districts. SB 175 now requires districts to submit a report by September of every year to MDE on the number of students that either fulfilled their foreign language requirement by instead taking visual arts or CTE and the students that partially fulfill this requirement. This bill is moving rapidly in an attempt to complete the legislative process before summer. SB 175 was amended, reported from committee and transmitted to the House during this week. It has been referred to the House Workforce and Talent Development Committee. We expect the House to act quickly on this bill as well. MASA is supportive of the legislation.

Dual Enrollment

Under SB 980, sponsored by Sen. Joe Hune (R-Whitmore Lake), an eligible student who is enrolled in a school district may enroll in an eligible course for high school credit or postsecondary credit, or both, and receive payment by the school district of all or part of eligible charges for the course. The bill sponsor indicated that the bill was written in order to address the ambiguity in the current law. The bill strikes out any reference to 10 credits, removing the cap completely. Unless there is a written agreement between the eligible student's school district and the eligible postsecondary institution to waive these limits, a course is not an eligible course if the eligible student's enrollment in the course and the payment of eligible charges under the Act for the course would exceed the certain limits on the number of credits an eligible student may enroll in for

each grade and the number of credits an eligible student may enroll in overall.

School Safety

SB 983 sponsored by Sen. Marty Knollenberg (R-Troy) was reported out of the Senate Education Committee and later on to the Senate. The bill would require a school district or intermediate school district to develop an emergency operations plan for each school building it operated. The bill stipulates a number of areas emergency plans must address and also requires districts and ISDs to review plans with local law enforcement. During committee the bill was amended to clarify that districts would only have to work with one law enforcement agency in conducting the review. It also was revised to remove the requirement that MDE post on their website and additional language was included to make these plans exempt from FOIA. Rather than display publicly online, MDE will now report to MSP on what schools have not adopted emergency action plans and then MSP would work with schools.

Senate Judiciary

The Senate Judiciary Committee took testimony on and voted out 24 House bills prompted by the Larry Nassar scandal. The bills now go before the full Senate for a vote. Senate Majority Leader Meekhof (R-West Olive) told reporters that the bills could be “potentially taken up” next week. MASA is monitoring the movement of this legislation and any changes that affect K-12 education. Notably action was taken on the following bills:

- [HB 5539](#) - Rep. Kim LaSata (R-Bainbridge Twp.) - would amend the Student Safety Act to include sexual abuse, assault, and rape to the criminal acts that may be reported to the OK2SAY program.

- [HB 5659](#) - Rep. Beth Griffin (R-Mattawan) - would expand mandatory reporting requirements to physical therapists, physical therapist assistants and athletic trainers. The bill was amended during the Senate committee to also include individuals 18 or older that are paid coaches or assistant coaches for K-12 or postsecondary interscholastic athletic activities.
- [HB 5791](#) - Rep. Stephanie Chang (D-Detroit) - 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 available to 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, but must include this information in their student handbook or similar publication.
- [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.
- [HB 6043](#) - Rep. Cara Clemente (D-Lincoln Park) - would require school districts to submit information to MDE regarding unprofessional conduct of an employee or applicant. Upon hiring of an individual, districts must request the applicant to sign a statement that authorizes his or her current or former employer to disclose any unprofessional conduct by the applicant and to make available all documents in the employee's personnel record relating to that conduct. If districts receive information about an applicant from a previous employer concerning

inappropriate behavior involving a minor, they must submit to MDE within 60 days a detailed report about the information and any action taken as a result.

House Education Reform Committee Recap

The House Education Reform Committee briefly met this week to discuss SB 889 sponsored by Sen. Marty Knollenberg (R-Troy). 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 is similar to a recent bill that passed, SB 727, that removes the basic skills requirement for interim teaching certificates. MASA supported the earlier version and remains supportive of the concept. The committee reported the bill and it now awaits a vote before the full House.

Marshall Plan Moves to House Floor

The House Appropriations Committee acted on SB 941 and SB 942, the vehicle bills for the Governor's Marshall Plan for Talent. As we summarized last week, the House changes to these bills include changes to the grant funding structure by implementing distribution tiers, a consolidated grant application and at least 50% of the grants must be awarded by June 1, 2019. The \$100 million will come out of the Michigan Higher Education Student Loan Authority. SB 941 was amended further to include clarifying language for talent consortium and that grant applicants must include a committee to adopt the principles of a competency-based instructional model. It also was changed to list computer

science as an in-demand field.

It's expected that work will complete on the Marshall Plan alongside the full budget.

More School Safety Updates

The list of bills in the legislature related to school safety has increased to 34, and seems to continue to grow. There are several updates from both the House and Senate on this topic, and bills have been moving through different committees. MASA continues to monitor all things related to school safety to ensure that the legislature adopts a plan that makes sense and is comprehensive. Below is a recap of what safety bills moved this week.

House Judiciary

The House Judiciary Committee reported HB 5942 and HB 5943 on Tuesday; they have been placed on third reading in the House. 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 1 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 threat is guilty of a felony. This is punishable by no more than 10 years of imprisonment or \$20,000, or both.

HB 5943, sponsored by Rep. Scott VanSingel (R-Grant), enacts sentencing guidelines for threatening a school with a firearm or other deadly or dangerous weapon. It would specify that threatening to commit a violent act against school

students or employees on school property with specific intent or an act towards completion of that violent act would be considered a Class D felony. The maximum term sentence is 10 years. The bill is tie-barred to HB 5942.

Senate Judiciary

The Senate Judiciary Committee reported SB 1032, sponsored by Sen. Rick Jones (R-Grand Ledge). This bill creates a new law to require the reporting of credible threats against public and nonpublic schools by individuals that are currently mandatory reporters of child abuse. Credible threats would be a verbal or nonverbal threat or both that can be over electronic communication. The bill now is on the Senate Floor.

Senate Bills Move to the House

On Wednesday, the Senate reported a number of bills, almost all unanimously. The following bills have all been referred to the House Appropriations Committee.

- [SB 957](#) - Sen. Ken Horn (R-Frankenmuth) - would eliminate the sunset on the student safety act.
- [SB 958](#) - Sen. Darwin Booher (R-Evart) - would 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) - would 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.
- [SB 982](#) - Sen. Mike Nofs (R-Battle Creek) - creates an Office of School Safety, outlines its powers and duties and allows for oversight by the Department of State Police.
- [SB 983](#) - Sen. Marty Knollenberg (R-Troy) - requires schools to conduct school safety assessments in conjunction with local law enforcement agencies and for schools to develop emergency operations plans.
- [SB 990](#) - Sen. Margaret O'Brien (R-Portage) - would require that school district or public school academy consult with local law enforcement agency and adopt building plans at a public meeting before construction or major renovation of a school building.
- [SB 991](#) - Sen. Dale Zorn (R-Ida) - would require that the governing body of a school provide Michigan State Police with an emergency contact information. The school official could receive information at any time. A school could allow for two officials to receive information and specify days and times that each official was available.

Additionally the appointees to the School Safety Task Force that Gov. Rick Snyder called for under his plan for school safety were announced. As a

refresher, this group is tasked to advise the governor and Michigan State Police on a multitude of topics, including best practices in school safety for the auditing of buildings, identify structural and policy recommendations for safety policies, and develop a tiered school safety curriculum, among others. Their report must be finished by November 30, 2018. To find the complete list of their responsibilities, please see the Governor's [Executive Order 2018-5](#). The Task Force is comprised of State Police Director Kriste Etue, Interim Superintendent of Public Instruction Sheila Alles, and Health and Human Services Director Nick Lyon. Appointees are as followed:

- Parent Representative: Bishop Cory Chavis of Canton, founder and senior pastor of Victory Community Church
- Teacher Representative: Nicholas Dent of Marshall, a Spanish teacher and coach at Marshall High School
- Speaker Leonard's nomination: David Forystek of Fenton, Vassar police officer and owner of Premier Security Solutions, LLC
- Senator Meekhof's nomination: Brian Gard of Rockford, founder and president of CommTac Solutions
- Senator Ananich's nomination: Patricia Kovacs of St. Clair Shores, a social worker at Fraser High School
- Representative Singh's nomination: Rick Joseph of Royal Oak, a national board-certified teacher at Covington School in Birmingham Public Schools and 2016 Michigan Teacher of the Year
- School Administrator Representative: Larry Johnson of Kentwood, assistant superintendent and executive director of public safety and school security for Grand Rapids Public Schools

- Law Enforcement Representative: Paul Lauria of Mount Pleasant, Mt. Pleasant Department of Public Safety police chief
- Mental Health Representative: Elizabeth Newell of Williamston, state transformation assistant administrator for the Department of Education,
- Student Representative: Nolan Wright of Saline, a student at Saline High School

House CTE Package Moves in Senate

The Senate Economic Development and International Investment Committee acted on the House CTE package from earlier this year. On Thursday, the committee reported the following bills:

- [HB 5139](#) - Rep. Daire Redon (R-Lake City) - would require the MDE to work with the Department of Talent and Economic Development (TED) to create a K-12 model program that establishes career learning and learning themes and targets for each grade level. The bill also requires districts to incorporate grade appropriate instruction at each grade level, K-12, however not necessarily aligned to the model adopted/ developed by MDE. The Senate committee amended this bill to change the effective date to July 1, 2019, rather than 2018.
- [HB 5141](#) - Rep. Bronna Kahle (R-Clinton) - and [HB 5142](#) - Rep. Robert Kosowski (D-Westland) - would allow school districts, ISDs and charter schools to engage a full-time or part-time non-certified, non-endorsed teacher to teach in an industrial technology or CTE program under certain conditions. In order to teach in the above areas, the non-certified teacher must have achieved expertise (as determined by the Board of

Education) in the subject matter or field in which the individual is engaged to teach. In order to be employed by the school district, the individual must satisfy additional requirements outlined in the bill. The bill was amended in the Senate committee to allow a district to employ a non-certified teacher for up to 10 years, rather than the proposed three years. The state superintendent may permit the board to employ the teacher beyond 10 years.

- [HB 5145](#) - Rep. Judy Alexander (R-Hanover) - would require MDE to promulgate rules to allow an individual to use time invested with local employers and technology centers toward the renewal of a teaching certificate, a professional teaching certificate, administrator certificate, or an advanced professional education certificate.

MASA previously raised concerns to HB 5140, which requires districts and ISDs to allow a proprietary school, community college, college, university, skilled trade employer, apprenticeship program, or professional trade association access to pupil directory information. Parents may opt out at any time, and the school is responsible for collecting and maintaining the lists. The bill was amended in the House to address our concerns but then was reversed on the House Floor. The bill was not voted on this week.

Additionally two Senate CTE-related bills moved to the House on Thursday. SB 684, sponsored by Sen. Ken Horn (R-Frankenmuth), and SB 685, sponsored by Sen. Peter MacGregor (R-Rockford), impose career development mandates. SB 684 requires schools to provide the opportunity for every student to develop an educational development plan in 7th grade. The EDP must be reviewed and revised in 8th grade and every year of high school under the supervision of a counselor or another employee designated by the school's principal. EDPs must include information on various careers with current and projected wages, opportunities to explore careers, identify career pathways and an opportunity to

develop a talent portfolio. The bill stipulates that MDE and TED will develop and make available materials that districts can use for this section.

SB 685 requires every school to adopt and implement a three- to five-year school improvement plan and continuing school improvement process in order to be accredited. Plans must include student academic goals, strategies to achieve student goals, evaluation processes, alternative measures of assessment and effective use of technology. The bill also requires plans to combine apprenticeships and internships with classroom instruction as much as possible. School improvement plans must also include programs for students in grades 6 to 12 that provide work-based learning activities. A 12th grade program must be implemented that ensures students know how to develop resumes, letters of reference, etc. Every school would have to provide age-appropriate career informational resources for grades K-12 that discuss career interests. For appropriate grade levels, experiences in careers of interest would also be provided.

MASA remains opposed to these bills. Without additional funding to support the mandates the legislation requires, it will be increasingly difficult for all schools to comply. The bills were referred to the House Workforce and Talent Development Committee.