



# SCHOOL EQUITY CAUCUS

*Making a difference for the public school children of Michigan*

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Dear Colleagues:

October has been a busy month legislatively in Lansing, with a number of bills on the docket. Here's the latest:

## **1. Voucher Bills Seemingly Headed for Veto...and Petition?**

The last couple of weeks have seen the latest attempt to bring in a form of vouchers for parents interested in private education. Identical bills (SB's 687/688 and HB's 5404/5405) were introduced into the State Senate and State House on October 14, and within two weeks all four bills had completed their rapid journey through the legislature.

Specifically, the bills would create a "student opportunity scholarship" program whereby scholarships would be given to eligible students, and individuals who donate to these scholarship funds would be able to receive a tax credit. Eligible public school students could receive up to \$500 per year, while public school students with a disability could receive up to \$1100 per year. At the same time, private school students could receive funds up to 90% of the minimum foundation allowance (equivalent this year to \$7830) that could go toward tuition or any of a number of other costs. All told, the estimated hit to state revenues could be as high as \$500 million.

The Michigan Constitution states that "No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school." Therefore, as with a number of previous attempts, this latest legislation once again appears to be in direct conflict with the State Constitution.

Governor Whitmer has indicated that she does not support the legislation, calling it a "non-starter" and pointing out the conflicts with the Constitution. Vetoes are expected.

We are also hearing news that there may be a petition drive launched to essentially override these anticipated gubernatorial vetoes. Such an effort would attempt to use the initiative petition mechanism present in the state constitution that allows the Legislature to directly enact a law (i.e., without the governor's signature) if a group brings a petition containing signatures equal to at least eight percent of the total votes cast for governor in the prior election.

Needless to say, we will be closely watching how this effort progresses.

## 2. COVID-19 Bills Move Through the Senate

A series of bills related to COVID-19 were also on the move in the legislature in the last couple of weeks. **SB's 600-603** (various sponsors) have passed the State Senate on a party-line vote, and are now in the House Education Committee.

SB's 600 and 601 include a host of regulations pertaining to mask-wearing and COVID testing as conditions required for certain activities. For instance, the bills would prohibit districts from requiring an Emergency Use Authorization vaccination to participate in activities or for the public to attend meetings. They would also require districts to provide a waiver option for parents who do not wish their children to be masked. SB's 602 and 603 prohibit the Michigan Department of Health and Human Services from enacting rules requiring vaccination, face masks, or COVID tests for asymptomatic children as a condition for various school-related activities.

## 3. Other Legislation Under Consideration

A host of other legislation has been moving in the last few weeks. Here is a brief overview of some of those bills:

- **SB 460** (sponsored by Sen. Theis) has passed the Senate Education Committee and is on the Senate floor. This bill would require that school boards ensure their curriculum did not include critical race theory, the 1619 Project, or other specified theories. The bill also contains a 5% state aid penalty for violation of these provisions.
- **HB 4953** (sponsored by Rep. Martin) would require MDE to develop information packets for students in 8<sup>th</sup> – 12<sup>th</sup> grade regarding dual enrollment along with college and career opportunities. The bill has been referred from the House Education Committee and is on the floor of the House.
- **HB 5424** (sponsored by Rep. Hornberger) prohibits the use of public funds to pay (or reimburse) for membership dues for a host of school personnel including school board members, administrators, or teachers in any education association or trade union. This would obviously decimate the ability of statewide organizations to provide the many outstanding services they bring to the table for Michigan's educators. The bill is expected to receive a hearing this week in the House Education Committee.
- **HB 5190** (sponsored by Rep. Farrington) would add a required personal finance course (0.5 credits) to the Michigan Merit Curriculum, and would reduce the foreign language requirement from two to 1.5 credits. This would be in addition to current law which allows a personal economics course to substitute for the 0.5 credit requirement in economics in the mandatory curriculum. The new personal finance requirement would not be able to be waived through the use of a personal curriculum. This bill has received an initial hearing in the House Education Committee.
- **HB's 5366-5367** (sponsored by Rep. LaFave) have received an initial hearing in the House Military, Veterans, and Homeland Security Committee. HB 5366 would allow individuals to carry a concealed weapon without a concealed pistol license, while HB 5367 would allow individuals with a concealed carry permit to carry a concealed pistol or Taser in weapon-free zones (including schools). These bills are also combined with HB's 5364 and 5365 which are bills pertaining to the same

regulations as they are carried out in sentencing guidelines and hunting and fishing licensing.

- **HB 4861** (sponsored by Rep. O'Malley) would permit individuals diagnosed with diabetes, but whose condition was able to be controlled with an insulin regimen, to be able to drive a school bus. These provisions would bring Michigan law back into agreement with changes made in the last couple of years to federal law. This legislation has passed the House and is now in the Senate Committee on Transportation and Infrastructure.

#### **4. Updates on Legislation Previously Highlighted**

Here is the latest on several bills reported on in previous newsletters:

- **SB 664** (sponsored by Sen. Schmidt) would allow for students to receive synchronous or asynchronous instruction and still be counted (given certain requirements are met) for attendance purposes through the 2021-22 school year. It also brings back certain two-way communication requirements. The bill moved rapidly through the Senate earlier this month and has been referred to the House Education Committee where it still remains.
- **HB 4199** (sponsored by Rep. Hornberger) would remove the requirement that Michigan schools start after Labor Day, and with that requirement out of the way, would also repeal provisions in the law regarding waivers for districts wishing to start prior to Labor Day. This bill has been discharged from the House Education Committee and is now on the House floor.
- **HB 4854** (sponsored by Rep. Rogers) remains on the House floor. This bill would require the Department of Health and Human Services to create training materials for mandated reporters. These materials would then need to be provided by employers to their personnel that are considered mandated reporters (including K-12 school personnel), unless the employer provides its own similar training.
- **HB 5097** (sponsored by Rep. Beeler) also remains on the House floor. This bill stipulates that no form of race or gender stereotyping may be included in any curriculum developed by the State Board of Education or by local school districts, nor can curricula contain any content that could be understood as implicit race or gender stereotyping.

#### **5. ESSER III Equalization Approved...with Additional Requirements**

On October 8 the US Department of Education (USED) approved the use of some \$362 million in ARP/ESSER III funds in Section 11t of the School Aid Act to provide all districts with a minimum of \$1093 per pupil regardless of their district allocation through the ESSER III formula grant. You will recall that these Section 11t funds (from ARP/ESSER III) would backfill the original formula funding for many districts to bring them up to \$1093 per pupil. The application deadline for all ARP/ESSER III funds is December 15, 2021.

In the end, USED approved the Section 11t expenditure based on a series of additional requirements including:

- At least 51.4 percent of the total allocation must go for activities to address learning loss through evidence-based interventions
- At least 10.3 percent for the implementation of summer enrichment programs
- At least 10.3 percent for the implementation of after-school programs

- Unlike other more flexible funding that has come through earlier in the pandemic response, these funds can only be utilized to address the disproportionate impact of COVID-19 on student subgroups (those from low-income families, students from various racial/ethnic groups, English learners, children with disabilities, students experiencing homelessness, children in foster care, migratory students, and those impacted disproportionately based on their gender).
- The completion of an additional application (beyond the one required for all districts under ARP/ESSER III, along with the maintenance of documentation to support that section 11t funds will only been utilized to impact specified students.

Keep in mind that all districts face additional requirements for the use of funds under ARP/ESSER III including:

- Posting of a “Safe Return to In-Person Instruction and Continuity of Services Plan” to the district website
- Maintenance of equity for high poverty schools (applicable, for instance, in districts with multiple elementary buildings at different levels of poverty)
- Reservation of at least 20% of the allocated funds to address learning loss through evidence-based interventions
- “Meaningful consultation” with stakeholders in the development of the plans for using these funds.

The Michigan Department of Education released a memo a couple of weeks ago containing more information on all of these requirements. That memo can be accessed by [clicking here](#).

## **6. Redistricting Commission Continuing Its Difficult Work**

The inaugural Michigan Citizens’ Redistricting Commission has continued to move forward toward their finalization of proposed new district maps for the US House, State Senate, and State House of Representatives. The group continues to grapple with complex legal issues, and intense external pressure. At the present time, a series of maps have been released for public comment including three maps each for the State House and State Senate, as well as five maps for US House of Representative districts. Those maps can be accessed through clicking the box at the top of the Commission’s webpage ([click here](#)).

The commission has more meetings scheduled for this week, with the stated goal of approving a single draft map for each entity (US House, State Senate, and State House) by the end of the week (Friday, November 5). Following the selection of these maps, more public comment opportunities will follow until the approval of final maps at the end of December.

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As we leave a relatively balmy October behind, best wishes as we look forward to the winds of November! As always, please be in touch with questions or concerns.



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