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Michigan Association of Superintendents & Administrators

# MASA Legislative Update

Brought to you by: 

February 26, 2021

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## Summary

This week in Lansing the Senate finally acted on their version of the supplemental spending bill to appropriate billions of dollars in funds. If you're keeping track at home, **it's been 67 days since Congress passed this last round of COVID-19 relief spending dollars and we're still arguing in Michigan on how to distribute these dollars** to combat the myriad crises facing our state. We have the full details on what the Senate bill below.

Earlier this week, we received an update from the U.S. Department of Education (USED) regarding assessments and accountability. While USED didn't grant a complete waiver on assessment, officials from MDE will begin discussions with USED regarding additional flexibilities that have been authorized by Washington.

Speaking of MDE, in case you missed [Memo #COVID-19-162](#) from February 24, 2021, please note that **in order to receive ESSER II dollars, districts must amend their previously approved ESSER formula grant application in MEGS+ and submit a new budget.** Details from MDE are forthcoming, and

and be on the lookout for further guidance from MDE.

**Housekeeping:** MASA will begin sending Legislative Updates from the [MASAGov@gomasa.org](mailto:MASAGov@gomasa.org) email account. This email box will go to both Peter Spadafore and Athena Antonis. Please make sure to add [MASASGov@gomasa.org](mailto:MASASGov@gomasa.org) to your address book and your district allowed list of recipients to ensure delivery of these updates.

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

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## Senate Supplemental Features Funding Equalization

During yesterday's Senate session, the chamber passed two supplemental spending bills with a portion of Michigan's allocation of federal COVID-19 relief funds. SB 29 appropriates COVID relief for Michigan's schools — though not the entire \$1.7 billion sent from Washington. The bill passed the Senate on a strict party-line vote, with many Democrats objecting to the fact that the bill holds back nearly half of the federal aid. Senate Appropriations Chair Sen. Jim Stamas (R-Midland) argued the dollars were held back so that future spending decisions could be responsive to the need not met by this round. MASA pushed back strongly on this, but in the end was not successful. If this bill becomes law, an additional supplemental will be needed to spend the remaining dollars to avoid sending them back to D.C.

The S-3 version of SB 29 spends a total of \$1.25 billion dollars. The bill allocates \$807.3 million federal ESSER funds, \$125.2 federal GEERS funds and \$313.5 million state school aid fund dollars. **SB 29 allocates about \$650,000,000 (about half of the Title I allocation) of the \$1.66 billion ESSER fund dollars Michigan received and distributes them through the Title IA formula.**

SB 29 further appropriates additional discretionary federal dollars and some state School Aid Fund dollars through an equalizing formula to ensure that **each district would receive at least a baseline per-pupil allocation of \$450**. For example, a district receiving only \$400 per pupil through the Title IA allocation, SB 29 proposes an additional \$50 per pupil for that district. This equalization plan comes after several districts have noted a wide disparity in the per pupil allocation of federal relief dollars when the money flows entirely through the Title IA formula.

**14 days of the bill becoming law**, detailing how the money will be spent. As you're aware and we've argued, this runs counter to the way federal drawdown typically functions and would create a new burden not envisioned by Congress when the law was passed in 2020.

The bill also appropriates the entire \$86.8 million of GEERS designated to nonpublic schools. While objectionable, this is what Congress sent to Michigan for these purposes, so there's not much that can be done. It does ring a bit hollow that the nonpublic money will be released in its entirety, while the Senate bill holds back over half a billion dollars to be distributed later, like a high stakes bureaucratic allowance.

The Senate proposal also includes a few other program specific categoricals. MASA has some **concerns about the overly burdensome reporting requirements associated with these categoricals** and the fact that many of the programs are duplicated in other parts of the budget are already planned by districts with other funds — we'd prefer the dollars go directly to schools. The programs are as follows:

- \$22.4 million for before- and after-school programs
- \$5.9 million for parental expenses related to summer school programs (diet vouchers)
- \$90.0 million for K-8 summer school programs\*
- \$45.0 million for high school credit recovery programs\*
- \$10.0 million for innovative summer school and credit recovery remediation services\*
- \$21.3 million for payments to staff operating summer school programs\*
- \$20.0 million for school mental health services\*
- \$11.7 million for benchmark assessments\*

*\*School Aid dollars NOT federal funding*

To receive funding for summer programs, credit recovery programs, and before- and after-school programs a district or ISD must apply for the dollars in a form and manner prescribed by the department. Under the Senate supplemental applications must be submitted no later than March 15, 2021. Applications must include **the number of potential eligible pupils that will enroll, or the number of eligible pupils enrolled, as well as an estimate of costs for preparation and implementation**. As you can see, there's still some work to be done. Governor Whitmer does not appear to be on board with this proposal and it garnered no Democratic support. We

the Legislature.

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## Committee Round-Up

### *Senate Education Committee*

On Tuesday, the committee heard testimony from medical professionals from Michigan Medicine on the safety of schools during the pandemic. This included comments from an infectious disease expert who stated **research shows that students can return to in-person learning safely if proper protocols are observed**. Additionally, parents from several communities testified to express how negative experiences their children experienced while learning from a distance, either by way of academics, mental health, or a mix of the two.

### *Senate Appropriations*

In addition to the supplemental summarized above, the committee also acted on SB 118. The legislation is sponsored by Sen. Ed McBroom (R-Vulcan) and **proposes reducing the penalties assessed to districts (including public school academies) and to intermediate school districts (ISDs) when employing individuals in violation of certification and other credentialing requirements**. SB 118 would allow MDE to reduce penalties below 50% if the state Superintendent found that the district or ISD was hindered in its ability to obtain a substitute credential due to unusual and extenuating circumstances. The committee adopted a substitute to the bill and reported it to the full Senate.

### *Senate K-12 Appropriations*

The committee met to hear presentations on students with disabilities and learning during the pandemic. Staff from MDE, as well as MAASE testified on an initial project from the Michigan COVID-19 Disparity Task Force.

### *House Appropriations*

The committee met on Wednesday and had a discussion on the state's retirement systems. HB 4263 is the bill that covers MPERS and is sponsored by Rep. Brad Paquette (R-Niles). The bill proposes using a layered amortization with a fixed and closed period of not more than 10 years. The bill would also require the Office of Retirement Services to certify the difference between the estimated and actual aggregate compensation and the estimated

The bills also would require beginning in 2021-22 that the actuary use the most recent mortality assumptions provided by the Actuarial Standards Board and cap the retirement system's assumed rate of return on investments and discount rate at the pension rates for each plan.

As of now, we don't have a lot more to share on this complex issue, but lawmakers are focusing in on MPERS reforms and we will continue to engage on the subject.

### *House K-12 Appropriations*

The committee heard a presentation from Business Leaders for Michigan on K-12 Funding Research and their recent analysis of non-instructional expenditures. While the research leaves many questions unanswered and is incomplete, it garnered a lot of attention and spurred a lot of conversation from lawmakers in the committee. We suspect this won't be the last we hear on this report.

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## **This Week's Introduced Bills**

[HB 4293 \(Damoose\)](#) adds decisions about the employment of an individual as a substitute to list of prohibited subjects of bargaining.

[HB 4294 \(Paquette\)](#) provides for an exception for college credit requirements for an individual to serve as a substitute teacher. This individual must have a high school diploma or equivalency certificate and works at the district or ISD. The board must ensure that if the employee's salary is higher than a substitute teaching salary, that they ensure their salary would not be reduced. If the employee's salary was less than a substitute, the district must provide that individual with a salary for a substitute in their district. An individual who declines the offer to be assigned as a substitute teacher must not be terminated for that choice. There is a sunset in the proposed bill, only allowing for this change until June 30, 2026.

[HB 4310 \(Koleszar\)](#) suspends the requirement of the administration of the Michigan merit examination as requirement for state school aid funding for the 2020-2021 school year.

[HB 4311 \(Koleszar\)](#) suspends the requirement administration of the Michigan merit examination for 2020-2021 school year.

[HB 4333 \(Tate\)](#) School Aid Omnibus Appropriations Bill

[HB 4343 \(Coleman\)](#) requires that when a student is absent because they are performing “taps” at a military honors funeral held in Michigan for a deceased veteran, that the absence be counted as excused. This would apply to students enrolled in grades 6 to 12.

[HB 4368 \(Hertel\)](#) creates the paraprofessionals to teacher pathways grant program. The bill outlines the provisions of the program and allow for financial assistance for individuals seeking both associate degrees in education fields and baccalaureate degrees in education-related fields. The individual must have high school diploma or equivalency and has not previously earned an associate or baccalaureate degree. From the date that someone applies for the grant, they must have been continuously employed as an educational paraprofessional full-time for the immediately preceding 3 years or part time for the immediately preceding 5 years. Under the proposed bill full-time is at least 30 hours per week and part-time means at least 15 hours per week.

[HB 4369 \(Hertel\)](#) creates the paraprofessional to teacher pathways grant fund act to establish the grant program in the state treasury. The bill includes a provision that would not allow unused funds at the end of the year would not lapse into the general fund.

[HB 4371 \(Clemente\)](#) amends the Open Meetings Act to allow for on March 31, 2021 and after to be held electronically.

[HB 4375 \(Johnson\)](#) extends the sunset that allows 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 were already in the act with a sunset of July 1, 2021; the bill would move the sunset to July 1, 2031.

[SB 184 \(VanderWall\)](#) creates the “Clean drinking water access act” and provides for quality and standards of clean drinking water in schools and childcare centers. Requires each school to create a drinking water safety plan by August 1, 2022 and mandates the installation of filtration stations. Colloquially, this mandate is known as “Filter First.”

[SB 185 \(Ananich\)](#) requires the installations of filtration systems in childcare centers.

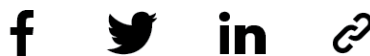
[SB 188 \(Hertel\)](#) School Aid Omnibus Appropriations Bill

**MEMO #019-21***Educator Workforce Guidance Updates*

The Michigan Department of Education (MDE) has completed an extensive review of the educator workforce guidance, forms, resources, and other information available on its website. These documents can be found on the Educator Services webpages managed by the Office of Educator Excellence. Some documents may have been moved, reorganized, or linked on different pages to provide better access and communication to education partners. [Read the full memo.](#)

**MEMO #020-21***Importance of Out-Of-School Time (OST) Programming as More Districts Return to In-Person Learning*

Almost all Michigan school districts either are offering at least an in-person option or are developing plans to return to in-person instruction in accordance with state and local guidance. The Michigan Department of Education (MDE) encourages administrators of local education agencies (LEAs), both traditional public schools and public school academies (PSAs), to work closely with programs that may be operating in their buildings, such as 21st Century Community Learning Centers (Title IV, Part B) and other out-of-school time (OST) programs (e.g., YMCAs, Boys/Girls Clubs, MSU Extension, community-partners) that are available to support students and families in your communities. [Read the full memo.](#)



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