



SCHOOL EQUITY CAUCUS

Making a difference for the public school children of Michigan

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Dear Colleagues:

I hope this newsletter finds you excitedly counting down the hours until Spring Break arrives! The legislature has also headed out on its own two-week break. Here's the latest from Lansing:

1. Senate Budget Proposal Released

Last Tuesday the State Senate's K-12 Appropriations Subcommittee released its School Aid budget proposal for 2018-19. Overall, the budget maintains many of the same items contained in the governor's original proposal, but includes \$96 million in a mixed bag of additional spending over the governor's amount. Here are some of the key differences:

- The base foundation allowance proposed by the Senate subcommittee is \$230/\$115 distributed via the 2X formula. This is slightly less than the governor's proposal of \$240/\$120.
- The proposal restores the full foundation allowance for students in cyber schools. The governor's plan had reduced their allowance to 75% of the minimum per pupil foundation grant.
- ISD's would receive a 1% increase in base funding, an item not included in the governor's budget. Additionally, ISD's would also receive \$5 million in MPERS cost offsets for their employees (roughly 45% of what K-12's receive comparatively for their employees – the governor's plan also did not include any such funding).
- Isolated district funding for transportation was proposed at \$6 million as compared to the \$5 million in the governor's plan. The increase would go to districts with 7.7 students or less per square mile.
- Much of the reduction in shared time funding was restored from the governor's proposal. However, the governor's proposed elimination of kindergarten reimbursements was maintained, and FTE's were capped at 0.67 (down from the current 0.75 cap per FTE).
- With respect to 31a (At Risk) funds, the Senate did not agree with the governor's proposal calling for new academic and accountability standards, instead remaining with current language. At Risk funding would be maintained at its current level in both proposals.
- The Senate proposed \$5 million to go for CTE equipment grants in Career Education Planning Districts where the ISD does not levy vocational millage. The governor's plan took a completely different approach toward CTE, proposing an allocation of

\$25 per student for those in CTE programs (with an additional \$25 per student for those in high demand fields).

- In language items, the Senate is proposing to maintain current law requiring MDE to be present at hearings for pre-Labor Day starts, imposing penalties on districts that bring legal action against the state, and imposing penalties for districts with collective bargaining agreements that violate state law on the collection of union dues, merit pay, and the like. The governor had proposed elimination of these language provisions.

In a positive step, the Senate joined the governor in proposing to remove the section of law enacted last year that allocated state funding to private schools for “reimbursement” of the cost of state mandates. It also maintained the \$25 per student allocation for high school students.

With the legislature now headed out on their two-week Spring Break, we will wait until at least the second week of April for the House version of the budget. After that is released, the real work will begin as the three budget plans are reconciled. The legislature will almost certainly wait until after the May Consensus Revenue Estimating Conference before making a final determination. We will keep you informed along the way!

2. Nassar Bills Moving Rapidly

A ten-bill package (SB 871-880), put together in response to the appalling Larry Nassar case, passed the Senate two weeks ago and has now moved to the House where it is expected to receive attention shortly after the legislature returns from their Spring Break.

Among the changes addressed in these bills are the following:

- Significant changes in the statute of limitations for both civil and criminal cases involving criminal sexual conduct (CSC). Of particular importance for governmental units like school districts, the statute of limitations in civil cases regarding all CSC is extended up to ten years. If the victim was a minor at the time of the CSC the time period is even longer, with a civil suit being able to be brought any time before the individual reaches 48 years of age. This provision retroactively applies for CSC cases that accrued after December 31, 1996, and action must be brought within one year of the bill’s effective date.
- To bring a civil case, it would not be necessary for a criminal prosecution to have resulted in a conviction, or for a criminal prosecution to have been brought.
- Individuals employed by governmental units who are accused of sexual misconduct would lose governmental immunity. This applies to conduct that occurred after December 31, 1996.
- Governmental entities would lose immunity if they were negligent in hiring, supervising, or training an individual accused of CSC, or if the entity knew or should have known of the sexual misconduct and failed to report it to law enforcement. This provision also applies to conduct that occurred after December 31, 1996.
- The list of mandated reporters of suspected child abuse/neglect is expanded to include school bus drivers and bus aides, along with coaches, assistant coaches, and athletic trainers whether paid or volunteer. This includes coaches in K-12 or postsecondary athletics as well as coaches in youth recreation programs.

- The penalties for any mandated reporter who fails to report suspected child abuse/neglect would be increased. Volunteers would be subject to a misdemeanor charge resulting in up to one year in prison and/or up to a \$1000 fine. Paid employees would see penalties increase up to two years in prison (currently the penalty is up to 93 days) and/or a fine of at least \$1000 and up to \$5000 (currently \$500). Second offenses would result in up to seven years in prison and/or a maximum fine of \$15,000.

Because the bills introduce retroactive liability, a governmental entity would have liability for actions that occurred years ago. Due to the length of time between when an action occurred and when it would be litigated, there could be significant problems gathering witnesses and evidence.

There could also be tremendous financial exposure because of the retroactive liability. It is quite possible that insurance would not cover the costs of a judgement brought due to the fact that these potential damages were not part of insurance coverage at the time of the offense. Just one or two judgements could have a devastating effect on a school district. Even the acquisition of liability insurance in the future could be expensive and problematic.

Beyond that, the open-ended nature of a standard in which governmental entities stand to lose their immunity when they “should have known” unlawful activity was taking place seems to open the door for much potential legal action.

While there is an understandable desire to enact law that would prevent such a tragedy from happening again, there are a number of concerns with the haste with which the bills are moving through the legislative process. Indeed, the Senate Judiciary Committee moved this package through on the same day it was introduced with very little testimony. This can result in legislation with far-reaching impacts that have not been fully understood.

Please urge your representative to have the House Committee on Law and Justice, where the bills now reside, take the necessary time to properly analyze and understand the potential impacts of this legislation.

3. Teacher Prep Legislation Clears House Committee

Last week the House Education Reform Committee passed a series of bills (HB 5598-5605) that addresses the teacher preparation process, with primary emphasis on teacher preparation institutions. Under the legislation, teacher preparation institutions would be required to meet new standards in order to maintain their certification from the State Superintendent. Among the requirements being proposed are the following:

- An increase of in-classroom experience (in addition to student teaching) from the current 90 hours to 400 hours.
- Increased coursework in reading for elementary teaching candidates from the current six credits to twelve credits for early elementary or nine credits for later elementary coursework.
- Required student teaching or clinical experiences with students in rural and urban settings, and with English language learners, students with disabilities, and students in high poverty settings.

- A mandatory “warranty” from teacher prep institutions for their graduates, allowing them to receive free coursework if their teaching skills were found to be lacking by their employing district within the first two years of employment.
- Full-time faculty members of teacher preparation institutions would be required to complete 30 hours of professional development each year. In addition, faculty would be required to observe actual classroom teaching in a K-12 setting, participate in rural and urban teaching experiences, have experience with the evaluation instruments used in K-12 settings, and have experience with the development of classroom management skills. They would also be required to have teaching experiences with students that are English language learners, have disabilities, and are in a high-poverty setting.

The bills also include language stating legislative intent that the cost for changes brought as a result of the legislation not be passed on to students through higher tuition or fees. The bills are now on the House floor.

4. Other Legislative News

Among other pieces of legislation recently introduced in the legislature are the following:

- **SB 882** – Under this bill the Open Meetings Act would be amended to permit school boards to enter into closed session for the purposes of planning for school security. It has passed the Senate Committee on Oversight and is now on the Senate floor.
- **SB 885** – This bill would eliminate the provision that school districts who have been granted waivers for pre-Labor Day starts must re-apply for their waiver annually. Instead, waivers would be able to be permanent. As one would expect, the bill is opposed by the tourism industry. It is currently under consideration in the Senate Education Committee.

In addition, the following are among other bills being monitored in the legislature:

- **HB 5526** – As discussed in last month’s edition of this newsletter, Rep. Tim Kelly’s bill would introduce yet another school accountability system to Michigan. This proposal would create a 13-member Education Accountability Policy Commission tasked with reinstating an A-F grading system to replace the “Parent Dashboard for School Accountability”.

This bill has been reported out of the House Education Reform Committee and is on the House floor.

- **HB 5530-5532** – These proposals, also discussed at greater length in last month’s newsletter, would seek to prevent perpetrators of acts of sexual violence from attending the same school as their victim and require districts to permanently expel these perpetrators, if the victim attends the same school, no matter where the act occurred. This bill package has passed the House and has been referred to the Senate Judiciary Committee.

- **SB 544-549** – The “Enhanced Michigan Education Savings Program” (E-MESP) has been reported out of the House Committee on Education Reform and continues to sit on the House floor.
- **HB 5139-5142 & 5145** – The “Workforce Preparation Package,” a series of CTE-related bills, remains in the Senate Committee on Economic Development and International Investment.
- **HB 4084** – Would strike the requirement that a teacher candidate must pass a course in diagnosis and remediation of reading disabilities, and would remove the Basic Skills test requirement prior to the issuance of a teaching certificate. This bill has passed the House and is currently in the Senate Education Committee.

That’s all for this update! I hope you are able to relax and enjoy your Spring Break before the start of the final sprint to the end of the year!

As always, please be in touch with questions or concerns.



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