

Legislative

After the November election was over, leaving the balance of power in the State House unchanged for 2021-22, the Michigan House Republicans and Democrats met to choose new leadership for each of their caucuses for the next legislative session.

Rep. Jason Wentworth (R-Farwell) is the new Speaker of the House for the 2021-22 term. Rep. Ben Fredrick (R-Owosso) was elected as the new Majority Floor Leader.

Rep. Donna Lasinski (D-Ann Arbor) is the new House Democratic Minority Leader; and Minority Floor Leader Rep. Yousef Rabhi (D-Ann Arbor) was elected by his peers for a second term in the position.

In the Senate, Sen. Dan Lauwers (R-Brockway) is the Senate's Majority Floor Leader after the recent Majority Floor Leader Sen. Peter MacGregor (R-Rockford) won an election to the office of Kent County Treasurer and departed the Senate after the end of the year.

After being in for just a couple of days after the election, the Legislature went out on deer season/Thanksgiving break and did not return until December 1. This was the beginning of the last three weeks of this session, also known as Lame Duck.

Lame Duck session is the time between the election and when new legislators are sworn in in January. It is a time when many members of the Legislature try to pass or do pass unpopular legislation, because their actions are no longer electorally accountable. Under full GOP control, the last several Lame Ducks have been challenging, to put it mildly, including the 2012 session when “right-to-work” passed.

This past Lame Duck was the first time in the last eight years, or the last four Lame Duck sessions, that we had a governor who is a friend of public education and labor. With a number of session days canceled because of the ongoing pandemic and with Governor Whitmer holding the veto pen, it was a very “lame” Lame Duck session for the House and the Senate Republican leadership.

During Lame Duck there were a number of bills that we were advocating to be taken up and passed, from those that fixed hazard pay for all school employees, taking growth data component of evaluations from 40 percent to 0 percent, suspending student assessment testing for the school year, School Bus Safety bills, and other school and labor related bills. Unfortunately, none of these bills got passed in the Legislature.

There were no overly controversial bills, no anti-public education bills and no anti-labor bills in this past Lame Duck. Lawmakers’ prevailing wisdom seemed to be, “Why send something to the Governor if she is just going to veto it?”. Only a few bills actually made it through Lame Duck and were sent to the Governor.

Below is a recap of some of the bills we were watching during Lame Duck which were passed by the Legislature and signed by the Governor to become Public Acts:

- Work Permits (SB 910) – sponsored by Sen. Roger Victory (R-Hudsonville). A bill that, during a state of emergency, would allow a minor to submit an application for a work permit by e-mail, facsimile, or mail. This is now PA 323 of 2020.

- Special Ed (SB 657) – sponsored by Sen. Lana Theis (R-Brighton). This bill would allow for an alternative teaching certificate process for special education instruction. If you are in a special education teaching prep program and continue to be in the prep program, you could be issued a teaching certificate. This is now PA 316 of 2020.
- Substitute Teachers (HB 4694) – sponsored by Rep. Jim Lilly (R-Macatawa). This bill extends the sunset on a public act that suspended the mandatory 12-month waiting period before a retired school employee could go back to work in a school district. This is only for critical shortage areas and added school districts that provide instruction under an extended COVID-19 learning plan. This is now PA 267 of 2020.
- Dental (HB 4223) – sponsored by Rep. Scott VanSingel (R-Grant). This bill allows children to have dental screenings at least six months before entering kindergarten or the first grade. This is now PA 261 of 2020.
- Supplemental Budget (SB 748) – sponsored by Sen. Jim Stamas (R-Midland). This bill passed with expansion of hazard pay for those who teach in Great Start Readiness Programs, Head Start, pre-K, special education for individuals aged 18-26 and adult education. Grants are up to \$500 for full-time teachers. It requires the Department of Treasury to administer the program in the same manner as it administers the other hazard pay grant money for school employees and to distribute funds as soon as is feasible. This is now PA 257 of 2020.

On Jan. 13, the new Legislature held its first session day. The Governor delivered (virtually) the State of the State address on Jan. 27 and presented her budget proposal in February.

The Governor’s budget recommendation calls for the largest investment in K-12 schools in history, including:

- \$203 million to increase base per-pupil funding to \$8,275 for districts at the minimum (\$164 per-pupil increase) and \$8,611 for districts at the maximum (\$82 per-pupil increase), reducing the gap between the highest and lowest funded districts to \$336 per pupil.
- An increase of 2 percent totaling \$14.1 million for economically disadvantaged students, English language learners, special education students, and students in rural and isolated districts.
 - \$250 million in one-time supplemental funding to implement research-based best practices to support student academic recovery, physical and mental health, and post-secondary readiness and transition.
 - \$200 million one-time for declining enrollment to stabilize budgets for districts experiencing losses in fiscal year 2022.
 - \$120 million total to provide opportunities in 2021 and 2022 for students through summer learning, after school learning, day camps, and other activities designed to support student needs outside of the normal school schedule.
 - Funding for the Education Emergency Relief Fund intended to help mitigate the impact of COVID-19 on students for use in public schools (\$38.9 million) and nonpublic schools (\$86.8 million).

- \$32 million for the Great Start Readiness Program, raising the state payment for a full-day preschooler from \$7,250 to \$8,275, which is the same as the proposed K-12 base foundation allowance for 38,000 4-year-olds statewide.
- \$55 million for the Filters First program to begin statewide implementation of drinking water fixture replacements in schools to ensure that children have access to clean, safe drinking water.
- \$2.9 million to address the educator shortage and provide more supports for current teachers as well as incentives to recruit former and future educators.
- A one-time increase for universities and community colleges equal to 2 percent of operations funding and an additional \$70 million in one-time support upon adoption of policies related to COVID-19 testing, quarantining, and contact tracing.

This is the beginning of this process, with the Senate and the House to give their recommendations this spring yet, then hopefully working together with the governor to negotiate a final budget.

MEA has been preparing for action and monitoring on a variety of legislation, including evaluation and testing, educator shortages, curriculum, coronavirus-related bills and education funding (including work with coalition partners at Launch Michigan.)

Two bills that have made their way to the Governor's desk are:

- Supplemental (HB 4048) Sponsored by Rep. Brad Paquette (R-Niles). House GOP supplemental funding proposal, including distribution of federal COVID relief funding for schools. (NOW A PA).
- COVID (HB 4049) Sponsored by Rep. Pamela Hornberger (R-Chesterfield Township). Tie barred to supplemental budget (HB 4048) - strips administration of important pandemic health protections (VETOED).

Just before spring break Senate Republican Education Committee Chair Lana Theis announced a package of bills dubbed the "Education Recovery Plan." Despite some rumors floated earlier, no action was taken on these bills before the Legislature left on its two-week Spring Break.

This package of 11 bills includes a variety of issues, including some that are positive developments (evaluation, exam waivers for this year, delaying 3rd grade retention) and some negative (individual student learning plans for every student by August). The bills are a tie-barred package (all bills must pass, or none pass), which has caused them to be mired in political discussions this week on whether to keep them together or separate the bills.

The bottom line is that some of these bills are unacceptable (especially the individual learning plans) and MEA agrees with those in the Republican caucus that want to split up the bills, particularly to deal with time-sensitive issues like evaluation and testing immediately.

Below are the bills in that Package:

- Evals (SB 56) Sponsored by Sen. Ken Horn (R-Frankenmuth). This bill would move student growth data from 40% to 0% for teacher evaluations (support).
- Evals (SB 57) Sponsored by Sen. Ken Horn (R-Frankenmuth). This bill would move student growth data from 40% to 0% for administrator's evaluations (support).

- Evals (SB 260) Sponsored by Sen. Dale Zorn (R-Ida). A bill to modify changes the Tenure Act to bring it in line with changes in SB 56 Evaluations. Probationary cannot be replaced by Tenure Teacher solely on basis of Evaluation. Must complete 3 Effective evaluations to complete probationary period (monitor).
- MME (SB 261) Sponsored by Sen. Kevin Daley (R-Lum). This bill suspends the Michigan Merit Exam (MME) and the Michigan Student Test of Education Progress (M-STEP) for the 2020-2021 school year (support).
- MME (SB 262) Sponsored by Sen. Kim LaSata (R-St. Joseph). This bill would suspend the Michigan Merit Exam for the 2020-2021 school year as a factor for determining the amount of school aid a district receives (support).
- CEP (SB 263) Sponsored by Sen. Lana Thies (R-Brighton). This bill would expand the pupil performance data that is collected for CEP (oppose).
- Commission (SB 264) Sponsored by Sen. Lana Thies (R_Brighton). This bill would create a new commission to select state wide assessment test (oppose).
- 3rd Grade Reading (SB 265) Sponsored by Sen. Jon Bumstead (R-Newaygo). This bill would suspend the retention of the 3rd grade reading bill (support).
- Recovery Plan (SB 266) Sponsored by Sen. Wayne Schmidt (R-Traverse City). This bill would require each teacher to prepare a recovery plan for each student by August 14, 2021 (oppose).
- Subs (SB 267) Sponsored by Sen. Rick Outman (R-Six Lakes). This bill allows an employee of the school to be a substitute teacher for this year only (monitor).
- Hold back (SB 268) Sponsored by Sen. Michael McDonald (R-Macomb). This bill would allow parents to hold back their student that was enrolled in the 2020-2021 school year (monitor).

There are a number of bills that are moving in the legislature. Below is a list of those bills:

- Noncertified (SB 118) Sponsored by Sen. Ed McBroom (R-Valcan). This bill reduces penalty by 50% for hiring noncertified staff (Monitor).
- WorkKeys (HB 4037) Sponsored by Rep. Pamela Hornberger (R-Chesterfield Township). Eliminates requirement for WorkKeys test (support).
- WorkKeys (HB 4038) Sponsored by Rep. John Reilly (R-Oakland). Eliminates WorkKeys, but makes it an optional test that the state would pay for (support).
- Proprietary School (HB 4040) Sponsored by Rep. Ben Frederick (R-Owasso). Changes definition of registered apprenticeship programs to NOT be a "proprietary school" (monitor).
- Grants (HB 4055) Sponsored by Rep. Sarah Anthony (D-Lansing). This bill would allow scholastic achievement to be used as an alternative to the SAT for purposes of scholarship eligibility for the 2020-2021 year (support).
- Grants (HB 4056) Sponsored by Rep. Scott VanSingel (R-Grant). Amend the Tuition Grant Act to allow undergraduate students enrolled in private colleges and universities for the 2020 spring term and the 2020-21 academic year to have two extra semesters of eligibility for the grant (support).
- Bus Safety (HB 4201) Sponsored by Rep. Jack O'Malley (R-Lake Ann). This bill would create penalties for entering a school bus without authorization, impeding school bus, or obstructing a school bus (support).

- Bus Safety (HB 4202) Sponsored by Rep. Tyrone Carter (D-Detroit). This bill allows school bus stop-arm cameras and provides civil sanctions for violations for those who do not stop for a school bus (support).
- Bus Safety (HB 4203) Sponsored by Rep. Jewell Jones (D-Inkster). This bill would allow painting of school buses, notice as to who can enter a bus (support).
- Bus Safety (HB 4204) Sponsored by Rep. Greg VanWorkom (R-Norton Shore). A bill to allow school bus stop-arm cameras (support).
- Subs (HB 4293) Sponsored by Rep. Ance Damoose (R-Habor Springs). This bill would prohibit collective bargaining of substitute teachers (oppose).
- Subs (HB 4294) Sponsored by Rep. Brad Paquette (R-Niles). Allow anyone who works at or works for a school to sub (tie-barred to 4293) (oppose).
- Taps (HB 4343) Sponsored by Rep. Kevin Coleman (D-Westland). This bill would allow an excused absence from public school for the purpose of sounding "Taps" at a military honor funeral for a deceased veteran (monitor).
- Retirees (HB 4375) Sponsored by Rep. Steve Johnson (R-Wayland). This bill would eliminate the requirement to pay unfunded actuarial accrued liability associated with employment of a retired substitute teacher and extend sunset for certain retirees reemployed to 2031 (oppose).
- WorkKeys (HB 4538) Sponsored by Rep. Darrin Camilleri (D-Brownstown). A bill to create a fund from money not used to hold WorkKeys testing that would be used to reimburse districts that do administer the WorkKeys assessment or a similar assessment (support).

Other bills we are monitoring can be found on our new Legislation Tracker, which is now available at www.mea.org/legislation. This Legislative Tracker will be updated on Monday's when the Legislature is in session, capturing the latest developments on the bills we're monitoring. Thanks to a program called Fiscal Note (provided to us by NEA), we can now automatically keep track of the various legislation related to education and labor issues, including prioritizing bills based on what is or might be moving soon. One report is only "**priority**" legislation, **sorted in order of the latest action on the bills** – the other is a complete list of all bills we're monitoring sorted by bill number.