

To: C.A.P. Board of Directors
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Legislative Report

DeVos Choice as Education Secretary Alarms Public School Advocates

The selection of Betsy DeVos by President-Elect Trump to be his Secretary of Education has sent a clear signal to traditional public school advocates of the direction the new administration will go on education issues. DeVos, a former chair of the Michigan Republican Party, is a strong proponent of charter schools, school choice and vouchers, all of which have seriously undermined the ability of traditional public schools to function wherever they have been adopted.

While the Michigan Constitution prohibits public dollars going to private schools, the explosion of public charter schools have served to open the door to for-profit private management companies receiving millions in tax dollars. DeVos's support of school vouchers, where parents can receive a grant from the state to send their children to private schools, has so far been prevented in Michigan due to constitutional protections. However, DeVos's new position could serve to push the envelope even further.

The Michigan Legislature has already begun testing the waters on public funding for private schools by including a small appropriation for private schools in this year's budget. The selection of DeVos as the top education official in the nation can only add fuel to that fire.

3rd Grade Reading Signed Into Law

On October 6, Governor Snyder signed legislation designed to ensure all third-graders are reading at grade level before they move on to the fourth grade. HB 4822, sponsored by Rep. Amanda Price (R-Park Township), requires individualized plans to be constructed for students who fall behind as well as requiring principals and/or administrators to provide teachers with professional development programs to assist students with improving reading proficiency.

According to the state's M-STEP assessment, in 2016, less than 50 percent of Michigan's third-graders were proficient readers. Governor Snyder emphasized the importance in education students receive before third grade too, noting "after third grade, the research says you are reading to learn."

The new guidelines go into effect for the 2017-2018 kindergarten class.

Jones: School Official Threatened to Not Testify on ISD Bills

On Tuesday, December 6th Senator Rick Jones (R- Grand Ledge) testified for SB 553, a bill which allows school districts to break off from their intermediate school district (ISD). Senator Jones told the committee that several public school officials told him that they were threatened with financial consequences if they testified in favor of the bill.

Several other Senators on the committee, including Sen. Phil Pavlov (R- St. Clair) and Sen. Patrick Colbeck (R-Canton), expressed concern upon hearing the Sen. Jones' testimony. No action was taken on the bill and it is not clear if it will be brought again next session.

Restraint and Seclusion

Update: The "Restraint and Seclusion" package passed the House on Wednesday, December 6. The bills, passed with House votes ranging from 81-25 to 85-22, now move to the Senate where there are just four session days scheduled for the rest of the term. Lt. Governor Calley acknowledges that time is short, but is optimistic the bills will move through the Senate and make it to Governor Snyder's desk before the end of the year.

With somewhere around 14 session days left in the 2015-16 session, time is running out for the Lt. Governor's 9-bill "Restraint and Seclusion" package of legislation, making broad changes to how schools handle the issue. The bills were voted out of committee on Thursday, September 22. Now, however, the bills face just 6 session days left to make it the rest of the way out of the House – they're still on the House floor awaiting a final vote – and all the way through the Senate. This is a very heavy lift for proponents, but legislation has certainly moved quicker in different circumstances.

While the first iteration of the bills – and the stated intent behind the measures – was to outright ban the use of restraint and seclusion, the legislation before the House Education Committee next week includes myriad exceptions and acceptable uses and rooms: in an emergency, and requiring diligent assessment, monitoring, documentation, and reporting by trained personnel. The bill also outlines a uniform policy regarding the use of restraint and seclusion, including the use of "proactive, effective, evidence- and research-based strategies and best practices to eliminate the use of restraint and seclusion and reduce or eliminate the emergency use of restraint and seclusion."

School Pension Reform Not Happening This Session

The House and Senate leadership have made passage of various forms of public employee retirement reform a top priority for the 2016 lame duck session. However, as opposition mounts, there may be a lack of support even among the House and Senate Republican caucuses to make major changes to public employee retirement systems in the waning days of the year.

The Senate has set as its goal closure of the Michigan Public School Employee Retirement System (MPSERS). The system was the subject of major reforms in 2010 and 2012, including the creation of a “hybrid” plan that combines elements of a traditional defined benefit pension and a 401(k)-style defined contribution plan. Despite the fact that the new system is fully funded and closure of the hybrid plan would cost the state billions of dollars over the next several years, Senate Majority Leader Arlan Meekhof (R-West Olive) and Senator Phil Pavlov (R-St. Clair Shores) are attempting to push through Senate Bill 102 that would offer only a 401(k)-style option for future school employees.

The Department of Technology, Management and Budget testified before the Senate Appropriations Committee on November 30 that closing the current system would not only result in a much less stable benefit for future employees, but would actually cost more than the current plan. This data took some members of the Senate by surprise, and the committee just barely voted the bills out by a 9-8 margin. As word spread that Governor Snyder was opposed to the bill and might possibly veto it should it reach his desk, enthusiasm for the bill ebbed dramatically in the Senate chamber. The Senate recessed last week without taking action on the bill, and proponents acknowledging that they were well short of the votes needed for passage. On Tuesday this week, *MIRS News* reported teacher pensions and local government employee retiree health care reforms will **not** be addressed again this Lamé Duck session.

Zero Tolerance

Just before summer recess, the House passed HB 5618-5621 and 5693-5695. Almost all of the bills passed unanimously. These bills would encourage the use of “restorative justice” before expelling or suspending a student. The lead bill in the package, HB 5618, would amend all of the zero tolerance sections of law to require that certain factors be given consideration before expelling or suspending a student. These factors include things like the student’s age, disciplinary history, any disabilities, and the seriousness of the offense. However, the bills do not give flexibility to the “zero tolerance” law with regard to firearm expulsions. This is due to federal regulations that require a one-year expulsion for bringing a firearm to school.

As the bills were debated, the section of law allowing a case-by-case modification of this proposed act by the local district was amended to add a rebuttal presumption that if a student met one of the four current criteria that allow a board to choose not to expel (or did not have a history of suspension or expulsion) that the expulsion would not be justified. This could lead to serious legal issues for school districts.

The bills await a final vote on the Senate floor.