



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: January 3, 2022
TO: State Board of Education
FROM: Martin Ackley, Director, Office of Public and Governmental Affairs
SUBJECT: State and Federal Legislative Update

ACTION IN THE HOUSE OF REPRESENTATIVES

Introduced Legislation

[HB 5608](#) **Open Meetings** (B. Carter): The bill would allow public bodies subject to the Open Meetings Act to meet electronically under any circumstances until March 31, 2022. After March 31, 2022, only members of the military who are absent due to military duty could participate remotely. The bill was introduced and referred to the House Committee on Oversight on December 7, 2021.

[HB 5610](#) **Legislative Report** (Slagh): The bill would require the Michigan Department of Treasury to issue a report to the House and Senate Appropriations Subcommittees on School Aid that includes a breakdown of credits made to the state school aid fund under certain sections of law. The bill was introduced and referred to the House Committee on Appropriations on December 7, 2021.

[HB 5630](#) **Bullying Prevention for Certification** (Anthony): The bill would require at least one hour of training and education on bullying prevention to receive a teaching certificate. It was introduced and referred to the House Committee on Education on December 9, 2021.

[HB 5635](#) **Substitute Teaching** (Carra): The bill would eliminate the college credit requirement for substitute teaching and replace it with at least a high school diploma or a high school equivalency certificate. It was introduced and referred to the House Committee on Workforce, Trades, and Talent on December 9, 2021.

[HB 5636](#) **Hygiene Products** (Kuppa): The bill would provide funding for feminine hygiene products in schools. It was introduced and referred to the House Committee on Appropriations on December 14, 2021.

STATE BOARD OF EDUCATION

CASANDRA E. ULBRICH – PRESIDENT • PAMELA PUGH – VICE PRESIDENT
TIFFANY D. TILLEY – SECRETARY • TOM MCMILLIN – TREASURER
JUDITH PRITCHETT – NASBE DELEGATE • ELLEN COGEN LIPTON
NIKKI SNYDER • JASON STRAYHORN

[HB 5643](#) **CTE** (O’Neal): The bill would modify funding under section 61c of the state School Aid Act. Under the bill, funding to career education planning districts (CEPDs) would be proportionate to the number of career and technical education (CTE) programs (based on program serial numbers, excluding early/middle college programs) run by the CEPD in 2021. An exception: if a CEPD serves an area with at least 50% of it located in an ISD that did not levy a millage for area vocational-technical education in 2021, then the CEPD would get twice the allocation it would otherwise have received. The bill was introduced and referred to the House Committee on Appropriations on December 14, 2021.

Legislative Action

[HB 4970](#) **Seizure Awareness** (O’Malley): An (H-1) substitute bill passed the House (85-17) on December 14, 2021. Beginning with the 2022-2023 school year, the bill would require school personnel to complete seizure recognition and first-aid response training on a biennial basis, and school nurses and individuals designated to administer medications would have to complete training designed for school nurses. MDE would have to develop guidelines for the trainings consistent with guidelines developed by a national nonprofit dedicated to epilepsy and seizures. In addition, every student who is being treated for a seizure disorder would need a seizure action plan as part of the student’s school record.

[HB 5523](#) **Supplemental Appropriations** (Calley): An (H-4) substitute passed the House (98-4) on December 14, 2021. Among other things, the bill would provide “\$250,000 of federal Coronavirus State Fiscal Recovery Funds as a competitive grant program to districts . . . to expand opportunities for work-based learning health services through partnerships with a national academy foundation.” In addition, the bill would provide \$150.8 million in federal funds for the Michigan Department of Health and Human Services (DHHS) to purchase COVID-19 tests to distribute to eligible schools. Eligible schools could choose to opt out and purchase the tests on their own and request reimbursement from DHHS. A link to the House Fiscal summary for the bill can be found [here](#).

[HCR 15](#) **Adjournment of the Legislature** (Frederick): The concurrent resolution providing for the final adjournment of the Legislature for the year was adopted by the House and Senate on December 14, 2021. After adjournment on December 15, 2021, the House and Senate will be adjourned until December 29, 2021. After adjournment on December 29, 2021, the legislature will be adjourned until mid-January.

ACTION IN THE SENATE

Introduced Legislation

[SB 776](#) **School Building Closures** (Chang): The bill would require that traditional public school districts, including public school academies, adopt a policy before March 1, 2023 that prescribes procedures to follow before closing a school building. Before January 1, 2023, MDE would have to develop and make available to districts

a model policy for districts to use. The bill was introduced and referred to the Senate Committee on Education and Career Readiness on December 7, 2021.

[SB 777](#) **Strict Discipline Academies** (Nesbitt) and [SB 778](#) **Strict Discipline Academies** (Brinks): Under certain circumstances, the bills would expand enrollment eligibility in strict discipline academies (SDAs) to students who require intense individual intervention. Only a “qualifying strict discipline academy” would be eligible, which would mean an SDA located in a county with a population equal to or greater than 600,000 or equal to or less than 700,000. The SDA also could be in a county that is contiguous to a county that satisfies the population criteria. The bills were introduced and referred to the Senate Committee on Education and Career Readiness on December 7, 2021.

[SB 789](#) **Threat Reporting** (Johnson): Under the bill, if school personnel become aware of information that a reasonable person would believe constitutes an actual or implied threat, then the school board would have to ensure that a report is made immediately to the local law enforcement agency with jurisdiction of the school building. The bill was introduced and referred to the Senate Committee on Education and Career Readiness on December 14, 2021.

Legislative Action

[SB 753](#) **Supplemental Appropriations** (Stamas): A shell bill to provide school aid supplemental appropriations passed the Senate (21-16) on December 9, 2021.

ACTION BY THE GOVERNOR

[HB 4294](#) **Substitute Teachers** (Paquette): Governor Whitmer signed the bill on December 23, 2021. It was assigned Public Act 149 of 2021. Beginning on December 27, 2021 and running through June 30, 2022, a person can substitute teach without a certificate or permit under certain circumstances. First, the person needs a high school diploma and has to be employed by the district. Second, the district cannot pay the person less than the individual’s current salary to substitute teach. But if the person’s salary is less than a substitute teacher’s salary, then the person must be paid at least a substitute teacher’s salary. Finally, a person who declines employment or assignment as a substitute teacher cannot be terminated or retaliated against solely for declining the employment or assignment.

[HB 4398](#) **Supplemental Appropriations** (VanWoerkom): Governor Whitmer signed the bill on December 20, 2021. It was assigned Public Act 133 of 2021. Selected highlights from [House](#) and [Senate](#) Fiscal are copied below:

- Education
 - Teacher Talent Pipeline: Includes \$10.0 million in federal COVID-19 Governor's Emergency Education Relief (GEER) II funds for a grant to an education-related nonprofit organization that supports a teacher talent pipeline through teacher recruitment, training, development and retention.

- PRIME Schools: Includes \$6.0 million GF/GP for the SME Education Foundation's Partnership Response in Manufacturing Education (PRIME) initiative. Of the \$6.0 million, at least \$5.8 million is allocated for PRIME and up to \$200,000 and 1.0 FTE for MDE to administer the initiative.
- MDE Boilerplate:
 - Sec. 301. Teacher Talent Pipeline: Requires funding to be used to provide grants to an eligible education-related nonprofit organization that supports teacher recruitment, training, development and retention; designates unexpended funds as a work project appropriation.
 - Sec. 302. PRIME Schools: Requires funding for the SME Education Foundation's Partnership Response in Manufacturing Education (PRIME) initiative to be used to provide high schools with cost effective and tailored engineering and manufacturing education; authorizes MDE to use a portion of the appropriation for staffing and administration of the initiative.
- Health and Human Services:
 - Child and Adolescent Health Care and Centers: Includes \$5.0 million of increased local school district revenue originating from the state School Aid Act Fund, under section 31n(5), made available for child and adolescent health services.
 - ARP – Epidemiology and Laboratory Capacity – School Safety: Includes \$150.0 million in federal American Rescue Plan Act funds for school safety programs for screening and testing activities to facilitate continued opening or reopening of schools, and safe operations of schools. This represents half of the funding granted to Michigan.
 - DHHS Boilerplate
 - Sec. 401. Child and Adolescent Health Care and Centers: State legislative intent that the funds appropriated for child and adolescent health care and centers support primary health care and services to children and adolescents; requires DHHS and MDE to jointly determine expenditure of the funds.
 - Sec. 402. ARP – Epidemiology and Laboratory Capacity School Safety: Requires DHHS to purchase supplies for distribution to school systems for coronavirus testing and contract tracing for students, staff, and others, and allows 1% of funds for administrative costs of Michigan Association of Intermediate School Administrators; allows school districts to opt for direct reimbursement instead of direct supply, with timelines; requires DHHS to maintain a public website of supply procurement options for schools; prohibits state or local government entities from retrieving supplies without consent of a school district; requires any redistribution of such supplies to be done by the association; requires DHHS to collaborate with MDE.

[HB 4861](#) **Bus Drivers** (O'Malley): Governor Whitmer signed the bill on December 16, 2021. It was assigned Public Act 131 of 2021. According to Senate Fiscal, the bill "would amend the Pupil Transportation Act to eliminate requirements that a school bus driver with diabetes would have to meet to be qualified as a bus driver."

FEDERAL

On December 21, 2021, the U.S. Department of Education (USED) released the 2022 application for the Statewide Family Engagement program. According to USED, the "[p]rogram will award \$5 million in grants that will provide financial support to organizations that offer technical assistance and training to state educational agencies and school districts in the implementation of effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

On December 31, 2021, following recent recommendations from the [Centers for Disease Control and Prevention](#), the Michigan Department of Health and Human Services (DHHS) announced that it will be updating its quarantine guidance for the general public. According to DHHS, the "updated guidance is specific to the general public and does not change the current guidance recommendations for congregate settings, early childcare or K-12 settings—these settings should continue to use existing guidelines and policies regarding quarantine and isolation."