

Status updates:

From Legislative report 1/21/22

- No updates to report on House Bill 5674 “Racial Equity and Reparations Fund Act”
- No updates to report on House Bill 5672 “Michigan Strategic Fund Act”
- No updates to report on House Bill 5673
- No updates to report on House Resolution 0205 (Resolution to Address Fertilizer Shortage)

From Legislative report 2/4/22

- No updates to report on Senate Bill 798 “The Revised School Code”
- No updates to report on House Bill 5723

From Legislative report 2/18/22

- No updates to report on House Resolution 222

From Legislative report 2/28/22

- No updates to report on Senate Bill 855

3/18/22 Legislative Report:

Introduced

House Bill 5865 (HB 5865) 3/01/22

<https://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5865.pdf>

Introduced by Representatives HOOD (D)

OUTMAN (R), SNELLER (D) and referred to the Committee on Appropriations

Purpose: **HB 5865** is intended to amend 1994 PA 451, “Natural resources and environmental protection act” by creating clear water pollution source categories, and actions that can be taken as responses in order to expand environmental protections and access to safe drinking water.

Mandates:

- Under **HB 5865** water pollution source categories will be created, in order to better coordinate response efforts, identify needs/solutions, and access funding to meet those needs
- These categories will include:
 - Atmospheric deposition: The transfer of pollutants, including gas and dust generated by activities such as electric power generation and transportation from the air to land and water.
 - Urban runoff: Stormwater runoff from urban areas that can contain contaminants including sediment, pathogens, petroleum, and mercury.
 - Hydrologic and habitat modification: For example, rising water levels and altered weather patterns as a result of greenhouse gas emissions.
 - Leaks, spills, and accidents.

- **HB 5865** identifies possible responses a local government, property assessment program participant, or other eligible borrower can take under the water pollution source categories created, including:
 - Reducing the demand for fossil fuels in electric power generation.
 - Improving commercial, industrial, and residential buildings.
 - Expanding advanced vehicle infrastructure and deployment.
 - Increasing the use of renewable energy.
- *The department shall develop both of the following:
 - An application process for a nonpoint source management program to allow any local government, property assessment program participant, or other eligible borrower to seek financial assistance from the state water pollution control revolving fund.
 - A principal forgiveness or forbearance program that a local government, property assessment program participant, or other eligible borrowers can access under certain circumstances.

Implications:

- **HB 5865** could have many potential benefits to Hispanic/Latino communities in Michigan.
- It is well documented that the instance of water pollution in Michigan disproportionately impacts communities of color and low income communities (including state Hispanic/Latino communities)
<https://www.michigandaily.com/research/michigan-law-exacerbated-city-water-problems-in-minority-low-income-cities-u-m-study-finds/>
- The impacts of contaminated water are nefarious and far-reaching, including long-term health consequences.
- Thus, a bill that outlines specific categories for water pollution, and assists with the identification of water pollution, the appropriate response, and establishes funds to complete a response is of critical importance.

Notes:

- Though **HB 5865** has the capacity to benefit Hispanic/Latino communities and other communities of color across the state, there are some areas that would need to be resolved to maximize effectiveness.
- **HB 5865** could be more explicit in language about recognizing inequity. Communities of color and low-income communities are scientifically proven to face this issue disproportionately; therefore, any bill seeking reformation should explicitly identify these communities as a focus.
- While the goals of **HB 5865** are vital, the bill should be expanded to include specifics: the process for how these water pollutants will be identified, the responses according to the specific category they are identified as, and a more comprehensive plan for funding allocation beyond the general suggestion of pulling from the state water pollution control revolving fund.

**The School Freedom, Accountability, Choice, and Transparency Act (FACT Act) 2/24/22
Package of 11 bills introduced in the Michigan House and Senate**

1.) House Bill 5853 (HB 5853); Senate Bill 927(SB 927) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5853.pdf>

Introduced by Representative STECKLOFF (D) Introduced by Senator POLEHANKI (D)
and referred to the Committee on Education

Purpose: HB 5853 (SB 927) will require Educational Management Organizations (EMOs) to produce annual audited financial statements for authorizers to account for any fees collected to oversee charters.

2.) House Bill 5846 (HB 5846); Senate Bill 928(SB 928) 2/24/22

[http://www.legislature.mi.gov/\(S\(b052a4gz4nckbciiyyjeysrzd\)\)/mileg.aspx?page=getobject&objectname=2022-HB-5846](http://www.legislature.mi.gov/(S(b052a4gz4nckbciiyyjeysrzd))/mileg.aspx?page=getobject&objectname=2022-HB-5846)

Introduced by Representative KUPPA (D) Introduced by Senator BAYER (D)
and referred to the Committee on Education

Purpose: HB 5846 (SB 928) will require all Educational Management Organizations contracts to include a provision for audited financial statements.

3.) House Bill 5856 (HB 5846); Senate Bill 929(SB 929) 2/24/22

[http://www.legislature.mi.gov/\(S\(2h4lpjuytkxdt34kbqasmvic\)\)/mileg.aspx?page=getobject&objectname=2022-HB-5856](http://www.legislature.mi.gov/(S(2h4lpjuytkxdt34kbqasmvic))/mileg.aspx?page=getobject&objectname=2022-HB-5856)

Introduced by Representative YOUNG (D) Introduced by Senator BAYER (D)
and referred to the Committee on Education

Purpose: HB 5856 (SB 929) will require all public and charter schools to disclose annual student recruitment, costs associated with recruitment, and techniques used to recruit.

4.) House Bill 5850 (HB 5850); Senate Bill 930 (SB 930) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5850.pdf>

Introduced by Representative KOLESZAR (D) Introduced by Senator POLEHANKI (D)
and referred to the Committee on Education

Purpose: HB 5850 (SB 930) will mandate a due process and rehabilitation process for schools and require state superintendents to suspend authorizers for failing to provide appropriate continuing oversight to schools under their jurisdiction.

5.) House Bill 5848 (HB 5848); Senate Bill 931(SB 931) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5848.pdf>

Introduced by Representative CAVANAGH (D) Introduced by Senator MOSS (D)
and referred to the Committee on Education

Purpose: HB 5848 (SB 931) will mandate the Department of Treasury to notify authorizers of fiscal distress in a school under their oversight, and require authorizers to notify other charters under their oversight of a fiscally distressed school contracting with that same Educational Management Organization.

6.) House Bill 5847 (HB 5847); Senate Bill 932(SB 932) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5847.pdf>

Introduced by Representative CAMILLERI (D) Introduced by Senator POLEHANKI (D)
and referred to the Committee on Education

Purpose: HB 5847 (SB 932) will prevent charter schools ranking in the bottom 5% of schools from expanding.

7.) House Bill 5851 (HB 5847); Senate Bill 933(SB 933) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5851.pdf>

Introduced by Representative SCOTT (D) Introduced by Senator BAYER(D)
and referred to the Committee on Education

Purpose: HB 5851 (SB 933) Will establish and expand authorizer and school board bylaw requirements.

8.) House Bill 5854 (HB 5847); Senate Bill 934(SB 934) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5854.pdf>

Introduced by Representative STONE (D) Introduced by Senator POLEHANKI(D)
and referred to the Committee on Education

Purpose: HB 5854 (SB 934) Will prevent Education Management Organizations from making “sweetheart” real estate deals. Will mandate that the board of directors ensures the lease or purchase of property by EMOs reflects fair market rates.

9.) House Bill 5855 (HB 5855); Senate Bill 935(SB 935) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5854.pdf>

Introduced by Representative WEISS (D) Introduced by Senator MOSS (D)
and referred to the Committee on Education

Purpose: HB 5855 (SB 935) Will prevent the board of directors of a public school academy from establishing relationships with educational management organizations that have any business affiliation with charter school developers.

10.) House Bill 5849 (HB 5849); Senate Bill 936 (SB 936) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5849.pdf>

Introduced by Representative CLEMENTE (D) Introduced by Senator BAYER (D)
and referred to the Committee on Education

Purpose: HB 5849 (SB 936) Will subject Educational Management Organizations to Freedom of Information Act requests.

11.) House Bill 5852 (HB 5852); Senate Bill 937 (SB 937) 2/24/22

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5849.pdf>

Introduced by Representative SOWERBY (D) Introduced by Senator BAYER (D)
and referred to the Committee on Education

Purpose: HB 5852 (SB 937) Will mandate monthly school board meetings subject to the Open Meetings Act.

Context:

- **The School Freedom, Accountability, Choice, and Transparency Act (FACT Act)** if passed would have implications upon Hispanic/Latino communities in Michigan.
- It has been established that chartered schools predominately are populated by students who are low-income/students of color (including a higher percentage of Hispanic/Latino Students)

<https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report/CRP-CWE-Michigan-facts-2010.pdf>

- At the same time, charter schools are largely unregulated: there is little government oversight of school operations, standards, and spending.
- Michigan in particular has nearly 300 chartered schools, with 81% of these schools being run by for-profit organizations, called Emergency Management Organizations (EMO's)

<https://michiganadvance.com/2022/03/14/michigan-democrats-push-for-more-transparency-for-charter-schools/>

Implications:

- Thus, **the FACT Act** could serve to benefit the larger Hispanic/Latino community, whose students are disproportionately served by charter institutions along with African-American students.
- This collection of bills will mandate a series of measures for transparency, including:
 - Open meetings
 - Financial audits (a critical measure, given that these organizations are largely for-profit)
 - More top-down oversight, regulations, and requirements
 - Strict regulation of private sector involvement (in the form of preventing real estate dealings and other partnerships)
 - Restricting under-performing charters from growing to include more students
- In the short term, **the FACT Act** will promote transparency and accountability within for-profit run schools, which disproportionately serve students of color and low-income students
- More broadly, **the FACT Act** serves to uphold public education, and condemn for-profit education (and in doing so, condemning the conception of school as a business venture, and students of color as business capital.)