



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 873 (Substitute S-2 as reported)
Senate Bill 875 (Substitute S-2 as reported)
Senate Bill 925 (Substitute S-1 as reported)
Sponsor: Senator Wayne Schmidt (S.B. 873 & 875)
Senator Lana Theis (S.B. 925)
Committee: Education and Career Readiness

CONTENT

Senate Bill 873 (S-2) would amend the State School Aid Act to do the following for the remainder of 2019-2020 school year:

- Suspend the hours and days of pupil instruction and reporting requirements for attendance from March 11, 2020, until the end of the school year if a school district had an approved continuity of learning and COVID-19 response plan.
- Prohibit a district with an approved plan from forfeiture of State aid unless the district did not substantially comply with its plan.
- Allow a cyber school that was in compliance with the Revised School Code to continue to be exempt from required days and hours of instruction and full-time equivalency of pupils.
- Allow a district to provide nonessential elective courses through alternative modes of instruction, if feasible.
- Require a district to provide elective courses required for a 12th grade pupil to graduate through alternative modes of instruction.
- Prohibit a district that received Federal funds for the 2019-2020 school year to provide special education services from being penalized or required to repay them because of the inability to provide those services after March 11, 2020.
- Make eligible an intermediate school district (ISD) or authorizing body that reviewed plans, on its own or with others, for any additional funding appropriated to support those activities.
- Specify that a district with an approved plan would be eligible to receive continued payments from the State School Aid Fund (SAF).
- Suspend district obligations to administer various tests and assessments for the remainder of the 2019-2020 school year.
- Require that districts with a collective bargaining agreement implement the bill in a manner consistent with the agreement.
- Suspend certain sections of the Act that would otherwise result in the forfeiture of portions of funds that would be allocated to a district under the Act.
- Prescribe record requirements for grantees and subrecipients of Great Start Readiness Program (GSRP) funding and require all subrecipients to create a GSRP plan.
- Specify retroactive dates for various sections within the bill.

Senate Bill 875 (S-2) would amend the Revised School Code to do the following for the remainder of the 2019-2020 school year:

- Suspend in-person instruction, sports activities, and other in-person extracurricular activities for K-12 pupils and require that school buildings to remain closed for those

purposes while the state of emergency or state of disaster related to COVID-19 remained in effect.

- Suspend requirements for the minimum amount of pupil instruction that, under normal circumstances, would cause SAF payments to be withheld.
- Suspend common school calendar requirements for the 2019-2020 school year and for the 2020-2021 school year, as necessary.
- Require districts to implement a continuity of learning and COVID-19 response plan beginning April 28, 2020, and prescribe requirements for a plan.
- Allow a district to contract with one more providers or to partner with one or more other districts or ISDs for the implementation of a plan.
- Prescribe plan approval powers and procedures for applicable entities.
- Prescribe temporary powers of the Superintendent of Public Instruction (SPI).
- Specify that the decision to award credit, issue grades, and the use of pass or fail designations would continue to be made at the district-level.
- Make certain recommendations to State-approved nonpublic schools and parents or guardians homeschooling pupils.
- Prescribe certain requirements and social-distancing practices for district buildings.
- Waive a district's obligation to administer certain assessments for the remainder of the school year.
- Prescribe procedures for pupils who were enrolled in Advanced Placement (AP) courses and who were eligible to take AP examinations.
- Waive certain requirements and prescribe procedures for assessments or other performance evaluations of teachers and school administrators.
- Require that a district implement a process to issue grades to pupils in the 12th grade, award credits required for graduation, issue diplomas, and provide for the completion of the Michigan merit curriculum (MMC).
- Require that a district provide a pupil in grade 12 who was failing a course before March 11, 2020, with an opportunity to receive credit for the course.
- Waive certain instructional requirements for graduation or unmet instructional requirements.
- Prescribe certain procedures for the provision of special education.
- Suspend certain sections of the School Aid Act that, if unmet, normally would result in forfeiture of funds.
- Encourage districts to donate personal protection equipment to healthcare providers and other necessary personnel.
- Prohibit a district from requiring an employee to work in a disaster relief child care center if that employee met certain conditions, including having a positive COVID-19 diagnosis.
- Specify retroactive dates for various sections within the bill.

Senate Bill 925 (S-1) would amend the Teachers' Tenure Act to do the following:

- Waive requirements for performance evaluations for teachers unless a teacher was on an individualized development plan on March 13, 2020, during the 2019-2020 school year.
- Require, until June 30, 2020, year-end performance evaluations to give no consideration to criteria requiring data or information unavailable because of certain circumstances.
- Allow certain teachers to maintain continuing tenure under the Act.
- Allow a district to complete a performance evaluation for the 2019-2020 school year for teachers who were on continuing tenure and did not have an individualized development plan.
- Allow districts to extend the time period in which a teacher could make progress toward a development plan goal under certain circumstances.
- Require that a district implement the bill in a manner consistent with any collective bargaining agreement that was in effect on or before the bill's effective date.
- Specify retroactive dates for various sections within the bill.

The bills are tie-barred. Senate Bill 875 (S-2) also is tie-barred to Senate Bill 885, which would amend the Public Act 116 of 1973 (the child care licensing Act) to allow certain entities, including a school district or a nonpublic school to establish and maintain a disaster relief child care center without a license from the Department of Licensing and Regulatory Affairs.

MCL 388.1701 et al. (S.B. 873)
380.1279g et al. (S.B. 875)
38.83a et al. (S.B. 925)

Legislative Analyst: Dana Adams

FISCAL IMPACT

Senate Bills 873 (S-2) & 875 (S-2) would codify the content of Executive Order 2020-35, which is in effect currently as Executive Order 2020-65, and would suspend in-person instruction of K-12 education and would require the use of alternatives means to deliver instruction. If not for the existence of the Executive Orders, the bills would have had an indeterminate fiscal impact on districts, public school academies (PSAs), and the Department of Education. The fiscal information below is the same as the fiscal impact statement from EO 2020-35 (since the bills are codifying content from EO 2020-35 and its successor, EO 2020-65).

Districts and PSAs would face some building-related savings with the closure of school buildings for in-person instruction, although those savings would be lessened to the extent child care centers were operating in those buildings. To the extent hourly workers were not paid during the school closures, district or PSAs would see additional savings.

It is likely, however, that districts and PSAs would see increased costs to the extent alternative modes of instruction included in a district's learning plan were greater than the costs that otherwise would have occurred on-site. These types of costs primarily would center on technology, i.e., devices, connectivity, applications, and personnel, among other things. To the extent ensuring employees working in a disaster relief child care center met the requirements of the bill, district or PSAs would see additional costs.

The Department of Education would experience additional administrative costs to develop and distribute template learning plans, coordinate plans transmitted to the Department, and implement new teacher certification requirements. Depending on the amount of implementation time, there likely could be significant costs to implement the bill. The costs could be lessened by reduced administration of assessments, teacher certification, and any other requirements that were suspended.

Senate Bill 925 (S-1) could have a positive fiscal impact on local schools. The temporary changes to performance evaluation requirements for teachers could reduce administrative costs for schools in the 2019-2020 school years. These savings would be determined based on the level of current costs spent on year-end performance evaluations, which vary from schools throughout the State.

Date Completed: 6-3-20

Fiscal Analyst: Cory Savino
Kathryn Summers

floor\sb873

Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.