

Legislative Analysis



SCHOOL SAFETY PACKAGE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5828 as introduced
Sponsor: Rep. Jason Wentworth

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5829 as introduced
Sponsor: Rep. Pamela Hornberger

House Bill 5851 proposed substitute (H-1)
Sponsor: Rep. Beau LaFave

House Bill 5830 proposed substitute (H-1)
Sponsor: Rep. Robert Kosowski

House Bill 5852 proposed substitute (H-1)
Sponsor: Rep. Joseph Bellino

Committee: Appropriations
Complete to 4-24-18

BRIEF SUMMARY:

House Bills 5828, 5829, 5830, 5851, and 5852 compose a School Safety package that would do all of the following:

- Create the School Safety Commission (“the Commission”) in the Department of State Police.
- Require the Commission to establish school safety metrics and inspect and issue school safety grades for all school buildings.
- Create a Comprehensive School Safety Plan Fund, which, upon appropriation, would be used by the Commission to inspect school buildings and provide grants to improve school building safety.
- Require that school buildings built after January 1, 2019 be built with additional, prescribed safety measures.
- Require school districts, intermediate school districts (ISDs), and public school academies (PSAs) to report on prevented attempts or threats of violence either on school grounds or toward a school, school staff, or students.
- Require that, beginning January 1, 2020, new law enforcement officers receive active violence response training, for which the Michigan Commission on Law Enforcement Standards (MCOLES) would be responsible for creating standards.

Each bill would take effect 90 days after being enacted.

DETAILED SUMMARY:

House Bill 5828 would create the Comprehensive School Safety Plan Act, which would create the School Safety Commission (“the Commission”) within the Department of State Police (MSP) on January 15, 2019, or upon the abolishment of the School Safety Task Force created by the governor under Executive Order 2018-5,¹ whichever comes first.

¹ Established by Executive Order 2018-5; http://www.michigan.gov/documents/snyder/EO_2018-5_620655_7.pdf

School Safety Commission

Under the bill, members of the Commission would be appointed by the governor and would serve 4-year terms, except for those members representing the MSP, the Superintendent of Public Instruction, and the Department of Health and Human Services (DHHS), who could be removed only for good cause or if there were a change in department leadership. Additionally, members first appointed to the Commission would have varied terms in order to stagger the reappointment schedule. The members appointed to the Commission, with their initial terms, would include:

- The director of the MSP or his or her designee (no term limit).
- The Superintendent of Public Instruction or his or her designee (no term limit).
- The director of the DHHS or his or her designee (no term limit).
- An individual representing local law enforcement agencies (1 year).
- An individual representing teachers (1 year).
- An individual representing school administrators (4 years).
- An individual with expertise in behavioral and mental health (4 years).
- An individual recommended by the Speaker of the House (2 years).
- An individual recommended by the House Minority Leader (2 years).
- An individual recommended by the Senate Majority Leader (2 years).
- An individual recommended by the Senate Minority Leader (2 years).

Vacancies on the Commission would be filled in the same manner as the original appointment and would cover only the remainder of the unexpired term. The governor could remove any member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause. Members of the Commission would not be compensated, but could be reimbursed for incidental expenses incurred in performing their duties.

Meetings of the Commission would be held quarterly and in compliance with the Open Meetings Act, 1976 PA 267, with the first meeting called by the director of the MSP or his or her designee. Members of the Commission would choose a chairperson at the first meeting. Meetings could be held more frequently at the call of the chairperson or if requested by 6 or more Commission members. All information obtained by the Commission would be exempt from the Freedom of Information Act (FOIA), 1976 PA 442.

School Safety Inspections and Categories

Under the bill, within 90 days of its creation, the Commission would have to promulgate rules to determine the measures and metrics that define 3 safety categories: optimal, adequate, or inadequate. At a minimum, the measures and metrics would have to address all of the following:

- School building layouts.
- School building proximity to law enforcement agencies.
- Emergency planning strategies.
- Employment of school resource officers or other individuals authorized by law to provide safety in school buildings.

- Surveillance technology.
- Threat reporting systems.
- Remote door locks.
- Weapon identification devices, including metal detectors.
- Reinforced entryways.

Under the bill, the Commission would have to assist school safety liaisons in evaluating their schools for safety measures from 6 to 18 months after its creation, and would have to implement a plan to ensure that each school is inspected not later than 30 months after its creation.

The Commission would employ school safety inspectors to inspect and evaluate each school and present a safety grade to each school’s governing board. The safety grades and their standards would be as follows:

- Optimal: Meets all of the Commission’s determined safety standards. Must be inspected again but not sooner than 7 years after initial inspection.
- Adequate: Requires additional safety measures as recommended by the Commission. Must be inspected again but not sooner than 5 years after initial inspection.
- Inadequate: Urgently requires additional safety measures as recommended by the Commission. Must be inspected again but not later than 2 years after initial inspection.

Additionally, a school may be designated as optimal only if it meets the criteria for an adequate safety grade and incorporates all of the following:

- Best practices from the most recent school safety plan published by the MSP.
- A team approach to school safety, including a behavioral and mental health assessment team that partners with local community organizations including law enforcement and service providers, uses interventions to assist students with behavioral risk factors, does not inappropriately label students receiving support, and uses the criminal justice system as a last resort.
- A plan to support survivors of violent acts, which must include counseling services.

The Commission would be required to develop badges and seals, which would be available for display by schools receiving an optimal safety grade.

Comprehensive School Safety Plan Fund

House Bill 5828 would create the Comprehensive School Safety Plan Fund (“the Fund”). Revenues in the Fund could be used only upon appropriation, and unexpended funds would not lapse back to the General Fund at the end of a fiscal year. The MSP could use appropriations from the Fund to award school safety improvement grants to schools and carry out the duties of the Commission.

The Commission would develop the process for submitting a grant application, and each grant would be issued for a period of 1 year. In awarding grants, the Commission would have to prioritize schools receiving inadequate safety grades, but could also award grants

to schools receiving adequate safety grades. Schools receiving grants from the Fund could use the funds only to implement additional safety measures identified or recommended by Commission inspectors, such as purchasing and installing security equipment or upgrading school buildings.

House Bill 5828 is tie-barred to House Bill 5829, meaning that it cannot take effect unless House Bill 5829 were also enacted into law.

House Bill 5829 would amend the Revised School Code to require the board of a school district, ISD, or PSA or the governing body of a nonpublic school to designate an employee as a school safety liaison to coordinate with the School Safety Commission to identify and evaluate school safety measures. The liaison must be either a school employee or an individual regularly and continuously working under contract in the school. The bill would require that each school submit to a school safety inspection by the MSP as proposed under House Bill 5828.

House Bill 5829 is tie-barred to House Bill 5828, meaning that it cannot take effect unless House Bill 5828 is also enacted into law.

Proposed MCL 380.1241

House Bill 5830 would amend the act regulating the construction of school buildings, 1937 PA 306, to require that all new school buildings constructed after January 1, 2019, whether public or private, be built to incorporate the following safety measures as determined by the School Safety Commission proposed under House Bill 5828:

- A schematic of building layouts.
- Surveillance technology.
- Remote door locks.
- Weapon identification devices including metal detectors.
- Reinforced entryways.

House Bill 5830 is tie-barred to House Bill 5828, meaning that it cannot take effect unless House Bill 5828 is also enacted into law.

MCL 388.851

House Bill 5851 would amend the Revised School Code to require school districts, ISDs, and PSAs to report annually to the MSP the following incidents:

- Attempted acts of violence on school grounds that were prevented or thwarted.
- Threats of violence made on or off of school grounds directed at a school, school staff, or pupils for which attempts were prevented or thwarted.

The bill would require that the reports must include a description of each incident and how each incident was prevented or thwarted and must exclude the name of the school affected, the name of any individual involved in each incident, and any other identifying

information. From the required school reports, the MSP would have to compile and submit a report annually to the School Safety Commission proposed in House Bill 5828.

Proposed MCL 380.1308a

House Bill 5852 would amend the Michigan Commission on Law Enforcement Standards Act to require that, beginning January 1, 2020, in order to be licensed, all law enforcement officers must complete active violence response training that emphasizes gaining tactical advantage and rapid response. The bill would require the Michigan Commission on Law Enforcement Standards (MCOLES) to promulgate rules to establish minimum training standards. The training regimen would have to include all of the following:

- Scenario-based instruction involving 360-degree security.
- Formations with 1 to 6 law enforcement officers utilizing various weapons.
- Building entry.
- Coordination of rescue teams and medical first responders.

MCL 38.609

FISCAL IMPACT:

House Bill 5828 would have a significant fiscal impact on the MSP. The MSP's ability to carry out inspections of approximately 3,450 public and 650 nonpublic schools,² in coordination with the School Safety Commission, would be dependent upon appropriations to the Comprehensive School Safety Plan Fund and would require additional personnel. The House omnibus budget bill for FY 2018-19, House Bill 5578, appropriates \$25.0 million from the School Safety Plan Fund to support the responsibilities of the School Safety Commission, including safety inspections of and safety improvement grants to public and private schools.

House Bill 5829 would create administrative costs for school districts, ISDs, and PSAs to collaborate with the School Safety Commission. School districts, ISDs, and PSAs would have to designate a liaison, likely a redirection of existing staff time, to work with the School Safety Commission to identify and evaluate school safety measures and to coordinate and participate in school building inspections.

House Bill 5830 would likely increase school construction costs for local school districts, ISDs, and PSAs to include the following proposed safety measures in all newly constructed school buildings: schematics of school building layouts, surveillance technology, remote door locks, weapon identification devices including metal detectors, and reinforced entryways.

² As reported in the Center for Educational Performance and Information (CEPI) Educational Entity Master (EEM) database for 2017-2018. Public school reporting is required, but nonpublic school reporting is voluntary, so the number of nonpublic schools could be higher.

House Bill 5851 could create administrative costs, likely borne by redirection of existing staff time, for school districts, ISDs, and PSAs related to the proposed reporting requirements for threats or attempts of violence that were thwarted or prevented.

House Bill 5852 would have an indeterminate fiscal impact on the MSP, the Michigan Commission on Law Enforcement Standards (MCOLES), and local law enforcement agencies. The bill's provisions requiring MCOLES to promulgate rules regarding the minimum training standards for active violence response training would likely be covered by existing appropriations. The MSP and local law enforcement agencies that administer their own recruit schools would incur increased costs related to administering active violence response training in order to graduate law enforcement officers licensed under 1965 PA 203.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.