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BILL ANALYSIS



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House Bill 5828 (Substitute H-1 as passed by the House)
House Bill 5829 (as passed by the House)
Sponsor: Representative Jason Wentworth (H.B. 5828)
Representative Pamela Hornberger (H.B. 5829)
House Committee: Appropriations
Senate Committee: Education

Date Completed: 11-27-18

CONTENT

House Bill 5828 (H-1) would enact the "Comprehensive School Safety Plan Act" to do the following:

- Create the School Safety Commission within the Department of State Police (MSP).
- Provide for the appointment members to the Commission, and its procedures.
- Specify the Commission's responsibilities, such as reviewing and making recommendations to the MSP for rules determining school safety measures and metrics, implementing a plan to ensure each school building was inspected within 30 months of the Commission's creation, and awarding grants to schools to fund improvements for school safety measures.
- Require the Commission to issue a safety grade for each school building, and require each school building to be reinspected at certain intervals based on the grade issued to the building.
- Create the "Comprehensive School Safety Plan Fund" within the Department of Treasury.
- Require the Commission to award grants to schools to fund improvements and corrective actions from the Comprehensive School Safety Plan Fund.
- Require the MSP to promulgate rules to implement the Act.

House Bill 5829 would amend the Revised School Code by adding Sections 1241 and 1241a to do the following:

- Require the board of a school district or intermediate school district (ISD), the board of directors of a public school academy (PSA), or the governing body of a nonpublic school to designate a liaison to work with the School Safety Commission.
- Require a liaison to work with the School Safety Commission to identify and evaluate school safety measures.
- Require the board of a school district or ISD, the board of directors of a PSA, or the governing body of a nonpublic school to submit to an inspection of each school building operated by the school district, ISD, PSA, or nonpublic school by the MSP.

The bills are tie-barred. Each bill would take effect 90 days after its enactment.

House Bill 5828 (H-1)

School Safety Commission

Under the bill, on January 15, 2019, or upon the abolishment of the School Safety Task Force created under Executive Order. 2018-5, whichever occurred first, the School Safety Commission would be created within the MSP.

The Commission would consist of the following members:

- The Director of the MSP or his or her designee.
- The Superintendent of Public Instruction or his or her designee.
- The Director of the Department of Health and Human Services or his or her designee.
- The School Safety Task Force members appointed by the Governor.

After the expiration of the initial term of or for any vacancy arising from the members of the Commission, the Governor would have to appoint members to a full term or the unexpired term as follows:

- One individual representing local law enforcement.
- One individual representing teachers.
- One individual representing school administrators.
- One individual who had expertise in behavioral and mental health.
- One individual recommended by the Speaker of the House of Representatives.
- One individual recommended by the Senate Majority Leader.
- One individual recommended by the Minority Leader of the House of Representatives.
- One individual recommended by the Senate Minority Leader.

Members of the Commission would serve for four years or until a successor was appointed, whichever was later, except that the School Safety Task Force members, the member representing local law enforcement, and the member representing teachers would serve for one year, the member representing school administrators and the member who had expertise in behavioral and mental health would serve four years, and the four members appointed by legislators would serve for two years. A vacancy would have to be filled for the unexpired term in the same manner as the original appointment. The Governor could remove a member of the Commission for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

The Director of the MSP or his or her designee would have to call the first meeting of the Commission. At that meeting, the Commission would have to elect a chairperson and other officers as it considered necessary or appropriate. The Commission then would have to meet at least quarterly, or more frequently at the call of the chairperson or if requested by six or more members.

The Commission would be subject to the Open Meetings Act; however, all information obtained by the Commission would be confidential, and would not be subject to the Freedom of Information Act.

Members of the Commission would have to serve without compensation; however, members could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

Duties of the Commission

The Commission would have to review and make recommendations to the MSP in implementing the Act, including, not more than 90 days after the creation of the Commission, rules determining the optimal, adequate, and inadequate school safety measures and metrics that would be used to evaluate the safety of schools.

The school safety measures and metrics would have address at least 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.
- Reinforced entryways.

The bill also would require the Commission to do all of the following:

- From six months to 18 months after the Commission's creation, assist school safety liaisons in identifying and evaluating the safety of schools.
- Implement a plan to ensure each school building was inspected within 30 months of the Commission's creation.
- In consultation with the MSP, employ school safety inspectors or contract for inspection services to make recommendations to the Commission after each inspection and evaluation of a school building's safety grade.
- Issue each school building inspected a safety grade.
- Award grants to schools to fund improvements and corrective actions.
- Issue or deny a school building requirement waiver submitted to the Commission within 30 days after the waiver was received.

"School building" would mean one or more of the following at a school:

- A structure suitable for use as a classroom, including a school laboratory, library, eating facility, or food preparation facility.
- A gymnasium or other facility that is specially designed for athletic or recreational activities or for an academic course in physical education.
- A facility used for the instruction or housing of students for the purpose of administration of educational or research programs.
- A maintenance, storage, or utility facility, including a hallway essential to the operation of a facility listed above.
- A portico or covered exterior hallway or walkway.
- An exterior portion of a mechanical system.

Safety Grades

For the confidential use of the Commission, it would have to issue a safety grade for each school building inspected as follows:

- An optimal safety grade.
- If the Commission recommended additional safety measures for a school building to ensure student safety, an adequate safety grade.

-- If the Commission identified additional safety measures for a school building were urgently needed to ensure student safety, an inadequate safety grade.

A school building would have to be reinspected as follows:

- If the school building were issued an optimal safety grade, not sooner than seven years after the inspection after which the optimal safety grade was issued.
- If the school building were issued an adequate safety grade, not sooner than five years after the inspection after which the adequate safety grade was issued.
- If the school building were issued an inadequate safety grade, not more than two years after the inspection after which the inadequate safety grade was issued.

Comprehensive School Safety Plan Fund & Grants

The State Treasurer could receive money or other assets from any source for deposit into the Fund. The State Treasurer also would have to direct the investment of the Fund, and credit to it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would have to remain in the Fund and not lapse to the General Fund. The MSP would be the administrator of the Comprehensive School Safety Fund for auditing purposes.

The MSP would have to spend money from the Fund, upon appropriation, only for the following purposes: a) to provide and administer grants to schools, and b) to carry out its duties under the Act.

An application for a grant from the Fund would have to be on a form or format prescribed by the Commission. The Commission could require the applicant to provide information reasonably necessary to allow it to make a determination.

Grants awarded from the Fund would have to be awarded for a period of one year. In making its determination to award grants, the Commission would have to prioritize awarding grants to schools with a school building that had received an inadequate safety grade and could award grants to schools with a school building that had received an adequate safety grade.

A school awarded a grant would have to use the grant funds only to implement the additional safety measures identified or recommended by the school building inspection, which could include purchasing and installing security equipment, or school building upgrades.

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Under the bill, the board of a school district or ISD, the board of directors of a PSA, or the governing body of a nonpublic school would have to designate a liaison to work with the School Safety Commission. A liaison would have to be an individual who was employed by the district, PSA, or nonpublic school, or who was assigned to regularly and continuously work under contract in a school operated by the school district, PSA, or nonpublic school. A liaison would have to work with the School Safety Commission to identify and evaluate school safety measures.

The board of a school district or ISD, the board of directors of a PSA, or the governing body of a nonpublic school would have to submit to an inspection of each school building operated by the district, PSA, or nonpublic school by the MSP under the Comprehensive School Safety Plan Act.

"School building" would mean that term as defined in House Bill 5828 (H-1).

Proposed MCL 380.1241 et al. (H.B. 5829)

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

House Bill 5828 (H-1)

The bill could result in annual costs of \$3.0 million for the MSP to provide assistance to the proposed School Safety Commission in developing standards and metrics in which to evaluate the safety of schools; ensuring that each of the over 4,000 public and private schools were inspected, reinspected as necessary, and evaluated for safety; issuing, through the Commission, a safety grade for each school building inspected, and administering a grant program to schools for implementation of safety measures identified by the Commission.

The School Safety Commission itself would require nominal funding as Commission members would serve without compensation and the MSP only would have reimburse members for their actual and necessary expenses. The MSP, through its Grants and Community Services Division, would provide general Commission support, ensure that required inspections were performed, and would administer a school safety grant program. Depending on whether required inspections were performed by contractual employees or by State employees, the costs of the MSP to carry out its duties under the bill could require 20.0 to 25.0 new FTE positions and a budget of over \$3.0 million.

The bill would create the Comprehensive School Safety Fund in the Department of Treasury which could receive funds from any source. The MSP would administer the Fund and, upon appropriation, could use its revenue to provide and administer grants to school and to carry out its duties under the bill. Currently, there is no legislation proposed to place money into the Fund, either for grants to carry out its duties under the proposed Act.

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The bill would have no fiscal impact on the State and minor increased administrative costs to local intermediate school districts (ISDs), school districts, and public school academies (PSAs). Intermediate school districts, school districts, and PSAs would have additional administrative costs as a result of designating a liaison to the School Safety Commission. This individual likely would be a current employee, such as a student resource officer or the administrator designated to overseeing school safety. These individuals would have additional tasks added to their workload; however, it is unlikely that the additional work would require schools to hire additional staff.

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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.