

No. 13
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Wednesday, February 8, 2023.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Jeremy Moss.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Albert—present	Hauck—present	Moss—present
Anthony—present	Hertel—present	Nesbitt—present
Bayer—present	Hoitenga—present	Outman—present
Bellino—present	Huizenga—present	Polehanki—present
Brinks—present	Irwin—present	Runestad—present
Bumstead—present	Johnson—present	Santana—present
Camilleri—present	Klinefelt—present	Shink—present
Cavanagh—present	Lauwers—present	Singh—present
Chang—present	Lindsey—present	Theis—present
Cherry—present	McBroom—present	Victory—present
Daley—present	McCann—present	Webber—present
Damoose—present	McDonald Rivet—present	Wojno—present
Geiss—present	McMorrow—present	

Senator Ruth A. Johnson of the 24th District offered the following invocation:

Precious heavenly Father, Creator of the universe, show us Your wisdom, show us Your mercy, and guide us toward Your will. John 3:20-21 tell us, “Everyone who does evil hates the light, and will not come into the light for fear that their deeds will be exposed. But whoever lives by the truth comes into the light, so that it may be seen plainly that what they have done has been done in the sight of God.”

Lord, give us the honesty and the courage to be transparent in our dealings with each other and with the people of the state of Michigan who elected us to serve. Help us to live in the light and not in the darkness. Let our actions be forthright and help us to acknowledge our own imperfections with humility.

As Matthew 7:12 tells us—the Golden Rule—“In everything, do to others what you would have them do to you.” Lord, help us to work together for the common good to serve You and to serve the people of Michigan in a way that is pleasing in Your eyes. Let light shine on our work that the truth shall be seen and the evil cast away.

We ask these things in Your name, in the name of Your Son, Jesus Christ. Amen.

The President pro tempore, Senator Moss, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

The following communications were received and read:

Office of the Senate Majority Leader

February 6, 2023

It is my distinct honor to appoint the following members to the below committee:

Joint Capital Outlay:

- Senator Darrin Camilleri
- Senator Mallory McMorrow
- Senator Mark Huizenga

If you have any questions regarding this matter, please do not hesitate to let me know.

February 7, 2023

Pursuant to MCL 4.1501(1), I hereby announce the appointment of the following members to the Senate Fiscal Agency Governing Board for this 102nd Legislature:

- Senator Winnie Brinks
- Senator Aric Nesbitt
- Senator Sarah Anthony
- Senator Sean McCann
- Senator Jon Bumstead

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Winnie Brinks
Senate Majority Leader

The communications were referred to the Secretary for record.

Senator Geiss entered the Senate Chamber.

The Senate Business Office submits, pursuant to rule 1.208, the following report on out-of-state travel by members on legislative business for the quarter ended December 31, 2022:

Senator Marshall Bullock II	September 29–October 1	
	CBCF Annual Legislative Conference	\$ 1,486.36
	Washington D.C.	
	November 30–December 4	
	NBCSL Annual Legislative Conference	\$ 3,022.93
	Las Vegas, Nev.	
Senator Adam Hollier	September 28–October 3	\$ 1,949.64
	CBCF Annual Legislative Conference	
	Washington D.C.	

Senator Sylvia Santana	September 28–October 2	
	CBCF Annual Legislative Conference	\$ 1,911.22
	Washington D.C.	
	November 15–19	
	Women in Government Leadership Summit	\$ 411.71
	Orlando, Fla.	
	November 29–December 2	
	NBCSL Annual Legislative Conference	\$ 1,208.18
	Las Vegas, Nev.	
	December 6–11	
	CSG National Conference	\$ 4,033.93
	Honolulu, Hawaii	

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Cherry, Chang, Geiss, McCann and Klinefelt introduced

Senate Bill No. 59, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 100c (MCL 330.1100c), as amended by 2020 PA 285.

The bill was read a first and second time by title and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

Senators Hauck, Bellino, Daley, Outman and Hoytenga introduced

Senate Bill No. 60, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4n (MCL 205.94n), as added by 1993 PA 326.

The bill was read a first and second time by title and referred to the Committee on Finance, Insurance, and Consumer Protection.

Senators Hoytenga, Bellino, Daley, Outman and Hauck introduced

Senate Bill No. 61, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4n (MCL 205.54n), as added by 1994 PA 111.

The bill was read a first and second time by title and referred to the Committee on Finance, Insurance, and Consumer Protection.

By unanimous consent the Senate returned to the order of
Resolutions

Senators Cherry, Bellino, McMorro, Geiss, McCann, Klinefelt, Cavanagh, Singh, Chang, Hertel and Moss offered the following resolution:

Senate Resolution No. 8.

A resolution to recognize February 11, 2023, as the United Auto Workers’ (UAW) White Shirt Day.

Whereas, We recognize Michigan’s members of the United Auto Workers as they gather to mark the 86th anniversary of their first contract with General Motors. This anniversary is a reflection of the extreme sacrifice, commitment, and determination of those first UAW members who paved the way for higher pay and improved benefits, creating a positive atmosphere for all of America’s working men and women. We remember those historic members on this anniversary; and

Whereas, On February 11, 2023, UAW members and retirees will wear white shirts to commemorate the anniversary of the end of the famous Flint sit-down strike in 1937. While the members of this distinguished organization celebrate this event, we offer our thanks for the outstanding contributions made to the Flint community, our state, and the nation; and

Whereas, The origin of UAW’s White Shirt Day can be traced back to 1948 when Bert Christensen, a UAW member of Local 598, first suggested it. His idea was to ask that workers wear the white shirts

traditionally worn by managers to show the company that they were equally important to the business. The shirts represent equal respect and treatment for blue-collar workers and the unity and strength of UAW members; and

Whereas, With ceremonies to celebrate its history, the members and officers of the UAW will remember the vision of its founders and the commitment of its workers that have brought them to this point. Fittingly, as they look to the past, they will also be casting an eye to the future and the many ways in which the UAW will continue to serve the working men and women of this great country; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize February 11, 2023, as the United Auto Workers' (UAW) White Shirt Day. We commemorate the 86th anniversary of the first United Auto Workers contract with General Motors and everyone who has contributed to its success; and be it further

Resolved, That we applaud their accomplishments and thank them for helping to strengthen and build Michigan's communities, workforce, and economy.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Singh moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The resolution was adopted.

Senators Damoose, Santana and Wojno were named co-sponsors of the resolution.

Senator Cherry asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Cherry's statement is as follows:

This Saturday, February 11, is the 86th anniversary of the end of the Flint Sit-Down Strike. On December 30, 1936, the sit-down strike commenced and it lasted nearly two months. That was a two-month sit-in. Normally today when we think about a strike, we think about folks outside a workplace picketing. A sit-in is when you go into the factory and you sit down and prevent any production from occurring. Now during those two months, it was a time of a lot of hardship for the workers and their families who obviously received no income for over two months; and they endured a lot in the actual sit-down with numerous battles that occurred with police and company police, including the Battle of Running Bulls. The sit-down ended with the first recognition of United Auto Workers as the exclusive bargaining representative for GM. What it did was begin the unionization of the auto industry. A few years after that, the UAW won recognition with Ford in 1941, and you saw other industrial unions gain recognition following that strike. It really set off the unionization of the industrial sector in the United States. It won wage increases and allowed workers to take simple breaks; and it provided employment security where before you went to work, you may go to work and never actually be told to get on the line. More fundamentally, it made sure folks had fairness, dignity, and respect in the workplace, but the true impact is found in individual stories from families and workers. I think about my own grandmother who was raising three children on her own and worked in metal fab, and she was able to do that and provide opportunity for her kids who were able to go to college, who were able to get good employment, and were able to lead good lives. That happened because we achieved the unionization of the auto sector here in Michigan and across our country.

The celebration happening this weekend is about celebrating hard-working, everyday people who were able to unite in a common purpose to ensure economic prosperity to everyone. Progress—whether that's economic progress or freedom—happens when people are willing to unite behind a cause, and that's what happened 86 years ago in Flint when folks united to sit down and ensure we received union recognition in our auto plants. I hope all of you will join me in supporting this resolution recognizing the birth of the middle class here in Michigan.

Senator Hertel offered the following resolution:

Senate Resolution No. 9.

A resolution to express our commitment, in partnership with the United States Air Force, to accelerating change in order to compete with, deter, and, if necessary, defeat a peer adversary, and to urge the United States Air Force to replace the A-10s with an advanced generation fighter mission at Selfridge Air National Guard Base.

Whereas, Selfridge Air National Guard Base (ANGB) is intrinsically designed to meet the priorities of the 2022 National Defense Strategy. Selfridge ANGB offers an immediate fighter aircraft basing solution with existing infrastructure, manpower, and unconstrained access to advanced multi-domain training ranges.

A fighter mission at Selfridge ANGB complements Michigan's All-Domain Warfighting Center, which prepares warfighters for future conflicts against peer adversaries and is strategically located between 42 and 48 degrees latitude. Michigan is the backstop for defense of the homeland and is capable of projecting power in all domains through a combat-credible force, in cooperation with allies and partners; and

Whereas, Selfridge ANGB has a long and proud history of flying fighter aircraft dating back over 100 years. Selfridge ANGB is home to the 127th Wing, a highly respected warfighting unit currently flying A-10s and KC-135s. The 127th Wing has been essential in providing combat air support in the Middle East in recent years; and

Whereas, Selfridge ANGB derives significant value from its location in proximity to both military and civilian assets. Selfridge ANGB is a joint military community with existing infrastructure, efficient flight times to the largest overland airspace complex east of the Mississippi, significant overwater and littoral training opportunities, and easy access to northern Michigan training facilities in Alpena and Grayling. The base is located north of Detroit on the shore of Lake Saint Clair, in close proximity to the Detroit metropolitan area and a major airline hub, offering a focal point for gaining and retaining the highest-quality pilots and maintenance personnel; and

Whereas, Divestment of the A-10s in fiscal year 2027, as the Air Force plans, would be a great loss to our state. There are currently 21 A-10s at Selfridge ANGB. The operation of these aircraft is supported by 611 personnel, including 246 full-time employees, with an economic impact of \$44,520,000 annually to the state of Michigan; and

Whereas, Selfridge ANGB is a multifaceted asset to Michigan and the nation. The base is a source of community pride and jobs, with a local economic benefit worth more than \$700 million to residents and businesses in several surrounding cities and townships. In addition, Selfridge ANGB is a key component of disaster response for the entire state and a vital base for our nation's homeland defense; now, therefore, be it

Resolved by the Senate, That we express our commitment, in partnership with the United States Air Force, to accelerating change in order to compete with, deter, and, if necessary, defeat a peer adversary; and be it further

Resolved, That we strongly urge the United States Air Force to replace the A-10s with an advanced generation fighter mission at Selfridge Air National Guard Base; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan congressional delegation and the Secretary of the Air Force.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Singh moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The resolution was adopted.

Senators Chang, Damoose, Geiss, Johnson, Lauwers, Moss, Santana, Webber and Wojno were named co-sponsors of the resolution.

Senator Hertel asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Hertel's statement is as follows:

I rise today in support of Senate Resolution No. 9, which affirms the Michigan Senate's support for a placement of a permanent fighter mission at Selfridge Air National Guard Base. Selfridge has played an important role in our nation's defense for over 100 years. It was originally known as Joy Aviation Field in 1917 and began as one of the first training bases among one of the first military airfields as the United States expanded our air service at the beginning of World War I. Selfridge Field later operated as an Army air field during World War II, and after the war the base expanded and became Selfridge Air Force Base and from 1947 until 1970 the base hosted three successive Cold War aircraft units.

Now today known as Selfridge Air National Guard Base, it is home to the 127th Wing and includes 21 A-10 Warthog aircraft, which the military plans to phase out over the next four years. The time could not be more perfect to place the new F-35 on the shores of Lake St. Clair. In addition to the base's strategic location for training missions over both land and water, Michigan is a strategic defense hub with many of the parts used to build the F-35 being produced right here in our state today. Locating a mission here just makes perfect sense. It reduces inefficiencies in supply-side delivery and it shows the people of Michigan that the federal government wants to invest in our communities as we invest in our nation's defense. With over 600 employees on the base, not to mention the civilian businesses supported by the base's operation and existence, it is critical that the next-generation mission be placed at Selfridge to ensure the security of our nation and to continue Michigan's historic contribution to our armed forces.

I ask you to join me in supporting this critical resolution to show the federal government that here in Michigan we want to invest to ensure the continued success of Selfridge Air National Guard Base with a main fighter mission located here.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:16 a.m.

10:28 a.m.

The Senate was called to order by the President pro tempore, Senator Moss.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 12, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280f (MCL 380.1280f), as added by 2016 PA 306.

The question being on the passage of the bill,

Senator Runestad offered the following amendment:

1. Amend page 19, following line 22, by inserting:

“(12) In addition to the requirements under sections 1538a and 1531i, as applicable, the superintendent of public instruction shall not, beginning September 30, 2023, approve a teacher preparation institution or an alternative teaching program and, by September 30, 2023, shall revoke the approval of a teacher preparation institution or an alternative teaching program that prepares individuals to serve as pre-K to grade 5 certificated special education personnel with endorsements in learning disabilities, emotional impairments, early childhood special education, teacher consultation, or speech and language impairments; as K to 5 literacy consultants; as a literacy coach; as a school psychologist; as a school district principal and administrator responsible for curriculum, instruction, and assessment decisions; as a pre-K to grade 5 certificated teacher; or as pre-K to grade 5 school personnel providing reading intervention to pupils in this state unless the institution or program offers instruction regarding all of the following to those individuals:

(a) The characteristics of dyslexia and underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.

(b) The secondary consequences of dyslexia, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and background knowledge and that can lead to social, emotional, and behavioral difficulties.

(c) Evidence-based instructional methods and features of evidence-based interventions that are grounded in the science of reading and principles of structured language and literacy that are designed for pupils with characteristics of dyslexia and pupils at risk for difficulties in learning to decode accurately and efficiently.

(d) Instructional adjustments for pupils with dyslexia and instructional adjustments for addressing underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.

(e) Methods for developing schoolwide and classroom infrastructures that meet the collective and individual needs of pupils using a multi-tiered system of support (MTSS) framework.

(f) Evidence-based instructional methods, features of evidence-based interventions, and structured language and literacy approaches or programs that are grounded in the science of reading and structured language and literacy.

(13) As used in only subsection (12):

(a) “Dyslexia” means both of the following:

(i) A specific learning disorder that is neurobiological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

(ii) A specific learning disorder that may include secondary consequences, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and background knowledge and lead to social, emotional, and behavioral difficulties.

(b) “Evidence-based” means an activity, program, process, service, strategy, or intervention that demonstrates statistically significant effects on improving pupil outcomes or other relevant outcomes and that meets at least both of the following:

(i) At least 1 of the following:

(A) Is based on strong evidence from at least 1 well-designed and well-implemented experimental study.

(B) Is based on moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study.

(C) Is based on promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.

(D) Demonstrates a rationale based on high-quality research findings or positive evaluation that the activity, program, process, service, strategy, or intervention is likely to improve pupil outcomes or other relevant outcomes.

(ii) Includes ongoing efforts to examine the effects of the activity, program, process, service, strategy, or intervention.

(c) “Multi-tiered system of support (MTSS)” means a comprehensive framework that includes 3 distinct tiers of instructional support and is composed of a collection of evidence-based strategies designed to meet the individual needs and assets of a whole pupil at all achievement levels.

(d) “Science of reading” means a cumulative and evolving body of evidence whose research studies follow a scientific process of inquiry and utilize scientific methods to help answer questions related to reading development and issues related to reading and writing derived from research from multiple fields of cognitive psychology, communication sciences, developmental psychology, education, special education, implementation science, linguistics, and neuroscience.

(e) “Structured language and literacy” means systematic, direct, explicit, cumulative, and diagnostic instruction that integrates listening, speaking, reading, and writing and emphasizes the structure of language across the speech sound system (phonology); the writing system (orthography); the structure of sentences (syntax); the meaningful parts of words (morphology); the meaning of words, phrases, sentences, and text (semantics); and the processing of oral and written discourse.” and renumbering the remaining subsection.

The question being on the adoption of the amendment,

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 17

Yeas—18

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose	Lauwers		

Nays—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Excused—0

Not Voting—0

In The Chair: Moss

Senator McBroom offered the following amendments:

- 1. Amend page 4, line 13, after “subsection” by striking out “(10),” and inserting “(9).”
- 2. Amend page 6, line 12, after “subsection” by striking out “(10),” and inserting “(9).”
- 3. Amend page 8, line 26, after “subsection” by striking out “(11),” and inserting “(10).”
- 4. Amend page 11, line 8, by striking out “the parent or legal guardian and”.

5. Amend page 11, line 14, after “**deficiency.**” by striking out the balance of the line through “CEPI.” on line 16 and inserting “**A school district or public school academy shall make its own notification, in a form and manner determined by the school district or public school academy, to the parent or legal guardian of a pupil for whom it received a notification from CEPI. The notification from the school district or public school academy to a parent or legal guardian, as described in this subsection, must include all of the information included in the notification the school district or public school academy received from CEPI.**”.

- 6. Amend page 17, line 29, by striking out all of subsection (9) and renumbering the remaining subsections. The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Damoose offered the following amendments:

1. Amend page 5, line 12, after “deficiency.” by inserting “**The intensive reading intervention described in this subdivision must be provided in the grade level the pupil is currently in and beyond the pupil’s current grade level, including grade levels beyond grade 3, if needed, in accordance with a pupil’s individual reading improvement plan until the pupil no longer has a reading deficiency.**”.

- 2. Amend page 13, line 13, after “provide” by striking out the comma and “**only through grade 4,**”.

3. Amend page 17, line 19, after “(7)” by striking out “**who has a reading deficiency at the end of grade 4**”.

4. Amend page 17, line 21, after “intervention” by striking out the balance of the line through “**deficiency.**” on line 25 and inserting a comma and “as described under subsection (7), for the pupil **in the grade level the pupil is currently in and beyond the pupil’s current grade level, including grade levels beyond grade 3,** until he or she no longer has a reading deficiency.”.

The question being on the adoption of the amendments,

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 18

Yeas—17

Albert	Hauck	Lauwers	Runestad
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose			

Nays—21

Anthony	Cherry	McBroom	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McDonald Rivet	Shink
Camilleri	Irwin	McMorrow	Singh
Cavanagh	Klinefelt	Moss	Wojno
Chang			

Excused—0

Not Voting—0

In The Chair: Moss

Senator Theis offered the following amendment:

1. Amend page 19, following line 22, by inserting:

“(12) If a grade 3 pupil achieves a reading score that is 1 grade level or more behind, as determined by the department based on the grade 3 state English language arts assessment, the school district or public school academy in which the pupil is enrolled shall ensure that all of the following occur:

(a) Subject to subdivision (c), by not later than 30 days after the school district or public school academy receives notice of the pupil’s reading level under subsection (14), the pupil’s parent or legal guardian is notified that the pupil qualifies for a tutoring stipend to be applied toward a tutoring service selected by the pupil’s parent or legal guardian and that the pupil’s parent or legal guardian has not more than 30 days from the date of the notice sent to the parent or legal guardian to notify the school district or public school academy, in writing, to which tutoring service the parent or legal guardian would like the stipend to be issued.

(b) Not later than 30 days after receiving notice from a parent or legal guardian under subdivision (a), the school district or public school academy shall ensure that the pupil receives tutoring services until the pupil is proficient in reading at the pupil’s grade level through the tutoring service selected by the pupil’s parent or legal guardian under subdivision (a) and that the stipend described in subdivision (a) is issued to the tutoring service. The stipend issued under this subdivision must not exceed \$1,000.00 per pupil per year until the pupil is proficient in reading at the pupil’s grade level. A stipend issued under this subdivision cannot be applied toward payment of a tutoring service provided by a high school student who is an eligible individual, as defined in subsection (15)(a). The notice described in subdivision (a) must reflect the immediately preceding sentence.

(c) The pupil’s parent or legal guardian chooses, for purposes of subdivision (a), a tutoring service that is on the list of approved tutoring services under subsection (15).

(13) Not later than May 23 of each year or not later than 14 days after the department finalizes the scoring for the grade 3 state assessments, whichever is earlier, the department shall provide CEPI with the grade 3 state assessment scores for every grade 3 pupil enrolled in a public school in this state who was administered 1 or more of those assessments.

(14) Not later than June 1 of each year or not later than 14 days after CEPI receives the grade 3 state assessment results from the department under subsection (13), whichever is earlier, using those state assessment results, CEPI shall identify each pupil completing grade 3 that year who is not at a grade 3 reading level, shall identify the pupil’s reading level, and shall notify the parent or legal guardian and the school district or public school academy of each of these pupils and the pupil’s reading level. A school district or public school academy may also make its own notification to a parent or guardian in addition to the notification by CEPI. The notification by CEPI to a parent or legal guardian must be by certified mail. The notification by CEPI must clearly state, at a minimum, that, if a parent or legal guardian receives a notification from CEPI under this subsection, the parent or legal guardian may request a meeting with school officials to discuss the student’s lack of proficiency and grade-level performance. If a parent or legal guardian requests a meeting described in this subsection, the school official to whom the request is made must ensure that an appropriate school official is made available to the parent or legal guardian for such a meeting.

(15) The department shall develop a process to accept and approve applications from organizations and entities and eligible individuals to provide tutoring services for purposes of subsection (12). By not later than 60 days after the effective date of the amendatory act that added this sentence, the department shall develop a list of department-approved organizations and entities and eligible individuals and publish that list on its website. As used in this subsection:

(a) “Eligible individuals” includes, but is not limited to, the following individuals:

(i) College graduate students.

(ii) High school students who are supervised by an adult during the duration of the tutoring and who have completed training developed by the department.

(b) “Organizations and entities” includes, but is not limited to, organizations described in section 501(c)(3) of the internal revenue code of 1986, 26 USC 501; faith-based organizations; the YMCA; United Way; Big Brothers and Big Sisters of America; sororities; and fraternities.” and renumbering the remaining subsection.

The question being on the adoption of the amendment,
Senator Lauwers requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 19

Yeas—18

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose	Lauwers		

Nays—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Excused—0

Not Voting—0

In The Chair: Moss

The question being on the passage of the bill,

Senator Singh moved that rule 2.106 be suspended to allow committees to meet during Senate session.
The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:03 a.m.

1:11 p.m.

The Senate was called to order by the President pro tempore, Senator Moss.

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 20

Yeas—22

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana

Bellino
Brinks
Camilleri
Cavanagh

Geiss
Hertel
Irwin
Johnson

McDonald Rivet
McMorrow
Moss

Shink
Singh
Wojno

Nays—16

Albert
Bumstead
Daley
Damoose

Hauck
Hoitenga
Huizenga
Lauwers

Lindsey
McBroom
Nesbitt
Outman

Runestad
Theis
Victory
Webber

Excused—0

Not Voting—0

In The Chair: Moss

The Senate agreed to the title of the bill.

Protests

Senators Albert, Lindsey, Damoose, Runestad and McBroom, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 12.

Senators Albert and McBroom moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Albert’s statement, in which Senators Lindsey, Damoose and Runestad concurred, is as follows:

We may think we are doing our kids a favor by gutting this law, but we are not. In fact, we would be doing our children a great disservice by signaling that we don’t care about whether or not they are prepared for lifelong learning and success. We absolutely do care if our children are successful, and this law helps them succeed by setting clear expectations and goals. The goal of this law is not to punish kids or to hold them back, the goal is to help every child right now, and in the future, by ensuring they know how to read by at least a second grade level—as determined by the state assessment—before they advance to fourth grade. They can also demonstrate a third-grade reading level in alternative methods.

This law is fundamental and it is necessary now more than ever. Not long ago, our schools were shut down for long periods of time during the COVID-19 pandemic. Which schools were closed the longest? Which schools only reopened after the Legislature tied funding to in-person instruction? By and large, it was the schools that have the greatest number of economically-disadvantaged children. These children are about to be let down again. This law held adults accountable, which led kids to receiving extra attention if they needed it because they were falling behind. Kids are more likely to achieve and succeed when they are expected to achieve and succeed. Lowering expectations of our kids is not going to improve their reading scores. It is not going to close the gap in learning or achievement. It is not going to help lift future generations to the success we hope and pray they will achieve.

If this bill is approved today, we are sending the wrong message to our students and to the entire state. George W. Bush said a few decades ago, and warned about what he called “the soft bigotry of low expectations.” It was just a few years ago that we saw a lawsuit settlement reached on behalf of Detroit schoolchildren that highlighted the fact that these children were not getting the instruction that they needed. This law was put in place to address failures like this and prevent kids from falling through the cracks. I have seen this law bear good fruit in my own district, and I have seen school districts that have put tremendous financial and staff focus on helping kids who are behind. I have continually supported more resources for our schools, including initiatives to help kids read and learn at an early age. I support initiatives that will benefit kids who need the help the most, so they can achieve and advance with their peers. But, we must pair these initiatives with accountability, helping students find success borne from these investments and their own hard work.

This law already has commonsense exemptions that allow grade promotion decisions to be made on a case-by-case basis when it's warranted. One of those exemptions allows superintendents to waive the standard if, in their own discretion, it's in the best interest of the child, but we must not do away with the standards altogether. We must keep these commonsense goals for reading and achievement in place because they are in the best interest of kids in our state. I urge my colleagues to vote "no" on Senate Bill No. 12.

Senator McBroom's statement is as follows:

It's a strange thing to have to address this issue because I was so vehemently opposed to the passage of this law for so many years when I was in the House. This law is a flagrant usurpation of local authority, of local control, of the whole reason why we send people to school to become teachers in the first place. As somebody who has spent the time and money to become a teacher and spent time in the classroom, it continues to baffle me as to why we create these professionals to be in our schools, to educate our children, to become administrators, and then don't trust them to do their jobs. It's frustrating to me that we leave the people who are most connected with the individual student and parents out of this equation, out of this opportunity to really practice their professional craft, to really practice their ability to use the training that they have. They get the training to teach the students, they get the training to interact with the students, they know these students, they live together day after day in order to properly educate these children. And we recognize now in our country, more than we ever have at least in modern history, the distinctive needs to learn vary by person, and yet we are confronted with this one-size-fits-all cookie-cutter approach to education again and again and again.

So we passed this law in 2016 that was just a blatantly more cookie-cutter approach to solving problems that happen at schools, and it trampled on the schools that were doing the job already. It failed to recognize that the majority of schools don't host the majority of students, which continues to be a fundamental, foundational problem with the way this state, and the Legislature in particular, chooses to continually address education in this state, continues to look at the percentages of students achieving or failing to achieve, and from that, extrapolate out. Well everybody needs to do it then because a majority of our students, when it's not a majority of schools, it's not a majority of school boards and superintendents and teachers. Instead of focusing in on where the problem is at, we all have to jump through the same hoops now, we all have to do the same practices, we all have to change our approaches to go to one common denominator, and that's why I opposed this legislation in the first place.

Now, I feel even more whipsawed around because we just heard one speaker, the sponsor of the legislation, say that the law is actually working. And yet, we're going to take out this one part of the bill, which is kind of like saying we've been baking a cake and we've put the ingredients in, but there's still this remaining ingredient we've just added, but now we're going to pull it out while the cake is still in the oven cooking. Somehow it's like the recipe was working, but now it's not going to work? Although we think it still will, but we're going to pull this ingredient out? I mean, that makes even less sense than what we did in 2016.

So it hurts me to have to oppose a partial repeal of this law, but I'm going to continue to do that because I've opposed the whole law from the beginning, continued to believe that the whole law should be scrapped and tossed out on its head as soon as possible, and give the local control back to the schools who knew what they were doing from the word go and deal with the ones who were struggling, and not in a tamped-down heavy-handed way like we know better than you, but in a way that recognizes that some places do need more help, some places need more funding, some places need new expertise or new leadership. Let's focus on how we can help address the actual needs without going out there and creating needs while also messing up what people are doing right.

We spend a lot of money to go to college and to become a professional in the classroom, we spend a lot of money to get the master's degree. The time and professionalism of our teachers continually gets downgraded in this state and played out as if it has no meaning or significance whatsoever, because we are going to tell you how to do it, just be a glorified babysitter, here, push the play button. It's an insult repeatedly given from this state from both sides of the aisle, from people who care about kids. I understand that, but the people who know what things are happening in the classroom and how things work in the classroom are the ones we should be listening to.

Mr. President, when will we recognize that the very difference of our students and our communities can only be best and properly addressed at that very local level? Why is it that we look back and see education as something that is getting worse and instead of saying, How can we go back to when it was better? We say, Let's do more of the very thing that we've been doing that seems to be making it get worse, let's have more top-down control, let's have more centralization, let's do less to respect those who are on the ground level meeting with the students every day. That hasn't been working for 50 years, so why do we keep doing it? And why have I lost half of my audience? I don't know.

Anyway, Mr. President, I'd like my remarks printed in the Journal and would support a "no" vote on the bill. Thank you.

Senators Runestad, Polehanki, McBroom, Damoose, Theis and Camilleri asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Runestad's statement is as follows:

When this bill originally came up, I voted for it. I thought the intent was good. I had some concerns about holding students back—I know there are some issues related to that—but what prompted me to vote for it was it seemed decade after decade we were just promoting and passing students on through the system who were illiterate. They couldn't even read their own diplomas.

So, I'm conflicted about this but my concern is that if we do remove this provision, that would hold these students back, there has to be some built-in improvements to ensure that these children will learn and become literate—all of them. I cannot support this bill if it has no component to help teachers identify and better support students experiencing the characteristics of dyslexia. That's up to 20 percent of all the kids in the system have some form of dyslexia and if they don't get early intervention, they simply cannot learn. My concern is that even more kids will fall through the cracks unless we address the training and support to identify and help students who display the characteristics of dyslexia. According to a recent report by EPIC, the number of retention-eligible students increased from '20 to '22 to nearly 6 percent of third-grade is flagged as retention-eligible. But the districts retain just 0.6 percent, or 545 students, of all tested students because parents and educators were able to exempt the students from retention for a whole myriad of reasons. The 2023 Michigan education report shows Michigan students rank seventh worst in the nation for fourth-grade reading scores. The same report predicts that Michigan will remain stagnant at this level by 2023 unless the state implements changes. It seems in Michigan nothing ever changes.

A recent case heard in Cincinnati before a three-judge panel of the Sixth Circuit Court of Appeals put the blame for Detroit students' troubles on the state of Michigan, where I think it belongs. One teacher who taught second and third grade said she helped the lawyers in the case document conditions. She said she had to Google how to teach phonics. Phonics is the way that dyslexic students ever improve—it is the only way they will ever improve. We must provide our schools and teachers with the training and resources they need to help their students read, not a green-light to continue allowing students to fall through the cracks as this standalone repeal seems to do. It would make sense for our schools to be more accountable and more importantly, help our struggling readers learn to excel.

Thank you, Mr. President, and I ask for support of my amendment.

Senator Polehanki's first statement is as follows:

Last term I sponsored a bill in a package of bills about dyslexia screening for young kids. I plan to continue our work on this important bill package in this session, but dyslexia bills do not belong with this bill—Senate Bill No. 12—today that does one simple thing: Repeal mandatory grade retention based on one test score for Michigan's third-grade students. I ask that my colleagues vote "no" on this amendment.

Senator McBroom's statement is as follows:

Mr. President, I continue to be proud of the fact that I didn't vote for this law we have in place, and I'm glad to see it getting the discussion it deserves. One of the major objections I had to the passage of this legislation in 2016, and in the many years that led up to it being voted on finally, was the undue burden it places on our local districts for reporting to the state. It's a ridiculous amount of reporting requirements, all to verify that they're doing what they should be doing already, and they linger and require the school to continually tell us again that they're still doing what they already put in place.

My amendment removes those reporting requirements. It doesn't remove the requirements for the schools to communicate with the parents, but it does remove the obligation for them having to do all this ridiculous-level reporting to the state of Michigan. I know the school groups have recently said, Oh, well, that's OK with us, we'll keep doing that, which is just really I think their cover story for continuing to blame us for a program they don't like having. Let's not fall victim to this, they don't need to do all this, and they moan and groan about any new bill—including this one and all the reporting requirements—and then when we come along and offer to take away the reporting requirements, they all of a sudden realize, well, those reporting requirements are our cover story for how it's not our fault that we have this program in place when our teachers, when our professionals, when our parents, when our students complain about this. We say, Oh well, that's not our fault, the state is making us doing that.

Here's a chance to clear the air, vote on this amendment, remove these ridiculous reporting requirements, and return local control to our schools and take some of the burden off their plate. When you know the thousands of things that every superintendent and principal has to do on an annual basis to report to the state, we should have some sympathy for them. Here's a chance to do it, even though they're trying now to back out of the deal.

Senator Polehanki's second statement is as follows:

Yesterday I offered a substitute to my bill—Senate Bill No. 12—that directs the Michigan Department of Education, not school districts, to send a letter to further enhance the parent notification process, so I ask that my colleagues vote “no” on this amendment.

Senator Damoose's statement is as follows:

I think everyone in this body can agree that among our top priorities is to ensure our students are succeeding and not just passing tests, but actually learning. I think we can all agree we are facing real challenges in this regard as we see how Michigan students are faring when compared with those in other states. We currently rank 40th in the nation for reading proficiency—not good. In educational discussions, a great deal of focus is rightfully placed on childhood literacy, and the third grade is the time when students are expected to have reached a certain level of literary skill and comprehension. It is commonly said that until third grade a student learns to read, and after third grade a student reads to learn, so this is a critical time period in their lives which will often determine whether a student is successful or fails for the rest of their lives, both academically and professionally. With our current lack of performance and with the serious learning loss in the wake of COVID, now is not the time to weaken standards and accountability or to take tools out of our toolbox. While retention is hardly ever used, having it as one of our tools is probably not a bad idea since it represents the teeth of the law that inspires schools and families to action and communicates the seriousness of the situation when a student is far behind grade level in reading.

However, since it is clear that this retention provision is not popular and is likely to be removed, I'd like to offer an amendment to the legislation currently before this body that would at least provide clarity to existing law and make sure critical standards are being met when it comes to academic success. The current law is clear, that the intensive interventions prescribed in lieu of retention are to continue until a student reaches proficiency, but there seems to be some confusion whether that intervention actually continues until that point or only through the fourth grade. Nothing magically happens at the end of fourth grade whereby a student who was so far behind in third grade is all of a sudden caught up. This amendment would simply ensure that schools are providing intervention as prescribed beyond the fourth grade if needed, until the student is able to improve their skills and meet the necessary reading standards. Schools are supposed to be doing this already, but the substitute adopted yesterday greatly weakens the requirement. This amendment is appropriate because, according to the new substitute, the intensive requirements would only last through fourth grade, then it's wide open what happens afterward—a big step backward from even the bill that passed out of committee. This amendment simply guarantees that we don't give up on a student if they still can't read at the end of fourth grade. This is a critical piece of the original law that helps keep students on track and this amendment would make sure that those benchmarks are met and students who are struggling get the resources they need. I encourage a “yes” vote on this amendment.

Senator Polehanki's third statement is as follows:

Yesterday at the request of the amendment sponsor, I offered a substitute to my bill—Senate Bill No. 12—that provides clarifying language around fourth grade interventions, so I ask my colleagues to vote “no” on this amendment.

Senator Theis' statement is as follows:

Before you is an amendment that would empower Michigan parents to have more of a say in the direction of the education of their students who have been determined to be experiencing difficulty in meeting reading expectations through a scholarship. My amendment would simply provide cash-strapped Michigan parents with a stipend they could then use to hire a tutor or reading coach that they deem best for their children to achieve reading proficiency and academic success.

There can be no doubt that the current state of our K-12 education system is one of crisis based simply on the outcomes of our students. The response to the pandemic revealed, rather than caused, enormous cracks in the system. Experts tell us that the learning deficits and losses suffered by so many students throughout our state may, for some—actually for many—may never be recovered. At the same time, we have a very serious teacher shortage. We can't hire new teachers fast enough to replace the ones who have left. How can we expect that at the stroke of this Governor's pen suddenly thousands of qualified reading coaches and tutors are going to show up in our schools to help the growing list of students who cannot read at grade level? When the third-grade reading retention law was enacted in 2016, it was done so for a reason. Many aspects of that law were never evidenced in the schools. Michigan has only continued to slip in national educational rankings, and we're now ranked 40th in fourth-grade reading. Even with the largest investments in K-12 education in this state's history, our students continue to fall behind. Again I reiterate, this law was enacted for a reason, many elements of it were never applied, as a result our students continue to fail. Our students are not the problem; money is not the problem; the system is fundamentally broken.

Colleagues, reading is an important predictor of a child's future academic professional success. Right now the education system is failing our students. More of the same is not the solution. I realize this Governor has a plan, but that plan ignores the role parents should play in improving their child's education. We need more parental control in our education system to prevent more students from slipping through the cracks. We need bold creative solutions to get parents more involved and students back on a path of educational success. I realize this speaks to an appropriation, but policy needs to lead the appropriations and so we need to set the policy in order for the appropriations to happen. We can start by approving this amendment.

Senator Camilleri's statement is as follows:

While I appreciate the comments from the Senator from Livingston County, I think there are a lot of considerations to be had when it comes to the appropriations process that we will be discussing in that committee. I think voters have shown time and again that they do not want vouchers. Our Constitution also prohibits that program from taking place. For us to have real conversations about support for our students and ensure they have the literacy tools they need, we'll be hearing more from the Governor today, and I look forward to more in our subcommittee on appropriations down the road. I urge a "no" vote.

Senator Polehanki's fourth statement is as follows:

I ask for your support of my bill—Senate Bill No. 12—which does one thing, and that is to repeal the state-mandated mass flunking of third-grade students based on one reading test score. My bill does not affect the other parts of Michigan's read-by-grade-three law—parts of the law that provide coaching, professional development, and interventions for struggling readers beginning in kindergarten. Since the passage of the read-by-grade-three law in 2016, those parts of the law have produced increased English language arts achievement well before the grade retention part of the law took effect last year, so the law works without the flunking part. Grade retention research in other states shows that it has little or no impact on student achievement and may negatively impact longer-term student outcomes, including students' mental health.

In addition to grade retention not helping kids to read, there's evidence that the retention piece of the law is implemented inequitably here in Michigan, with low-income students, Black and Latino students, and students in lower-performing districts more likely to be retained. Student demographic characteristics and district placement should not determine likelihood of retention, but it does.

I'd like to stress that my bill does not abandon struggling readers at the end of third grade. In my bill, struggling third-grade readers who move on to the fourth grade will receive the same level of support they would have received repeating the third grade, and this is with no fiscal impact on the state. In addition, we made sure that there is a strong parental notification piece in the bill that alerts parents when their kids show reading deficiencies.

For all these reasons, please join me in voting "yes" on Senate Bill No. 12.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, February 7, and are available on the Michigan Legislature website:

House Bill Nos. 4072 4073 4074 4075 4076

The Secretary announced that the following bills were printed and filed on Wednesday, February 8, and are available on the Michigan Legislature website:

Senate Bill Nos. 53 54 55 56 57 58

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Agriculture submitted the following:

Meeting held on Tuesday, February 7, 2023, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Shink (C), Cherry, Singh, Polehanki, Daley, Victory and Hoytenga

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Tuesday, February 7, 2023, at 3:30 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Geiss (C), Klinefelt, Wojno, Hertel, Camilleri, Chang, McCann, Bellino, Victory, Bumstead and McBroom

Scheduled Meetings

Civil Rights, Judiciary, and Public Safety – Thursday, February 9, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5312

Energy and Environment – Thursday, February 9, 1:30 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5323

Oversight – Wednesday, February 15, 8:30 a.m., Room 1200, Binsfeld Office Building (517) 373-5314

Regulatory Affairs – Thursday, February 9, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-1721

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 1:14 p.m.

The President pro tempore, Senator Moss, declared the Senate adjourned until Thursday, February 9, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate