



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



BILL ANALYSIS

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

Senate Bill 873 (as introduced 4-24-20)
Sponsor: Senator Wayne Schmidt
Committee: Education and Career Readiness

Date Completed: 5-20-20

CONTENT

The bill would amend the State School Aid Act to incorporate, by reference, all orders, regulations, proclamations, directives, and provisions related to the Act included in Executive Order (EO) 2020-35.

Specifically, the bill would incorporate into the Act by reference all orders, rules, regulations, proclamations, directives, and provisions that were specified in EO 2020-35. Those orders, rules, regulations, proclamations, directives, and provisions that were specified in that EO as continuing beyond the remainder of the 2019-2020 school year would continue and remain in effect as specified by the Order.

The bill states that it is the intent of the Legislature to codify the portions of EO 2020-35 that relate to the Act.

MCL 388.1701

BACKGROUND

Executive Order 2020-35 suspended in-person instruction for the remainder of the 2019-2020 school year and closed all school buildings. The Order also waived certain restrictions and requirements to allow K-12 education to continue using alternative modes of instruction. The Order also does the following:

- Suspends in-person extracurricular activities while the states of emergency or disaster remain in effect.
- Requires the Michigan Department of Education (MDE) to collaborate with the Michigan Association of Intermediate School Administrators and the Michigan Council of Charter School Authorizers to develop and distribute a template for a learning plan.
- Allows district employees or contractors into school buildings as necessary to conduct minimum basic school operations consistent with the learning plan.
- Specifies that learning plans are not required to address accountability and assessment provisions of the Federal Elementary and Secondary Education Act.
- Requires districts to implement a process to issue grades to high school seniors, award credits needed for graduation, provide for completion of the Michigan Merit Curriculum, issue diplomas, and reflect continued learning for high school seniors.
- Requires districts to provide equal access to alternative modes of instruction to students with disabilities, to the extent practicable.
- Temporarily suspends strict compliance with rules and procedures and permits the Superintendent of Public Instruction (SPI) to temporarily suspend an MDE rule interpreting

- or implementing a provision of the Revised School Code to facilitate the EO or other response efforts prompted by the coronavirus disease 2019 state of emergency.
- Temporarily allows the SPI to issue temporary teaching certificates or to renew teaching certificates to in-State and out-of-State qualified individuals who are unable to take appropriate examinations or first-aid classes, and to suspend temporarily certain professional development requirements.
- Provides additional implementation provisions, including provisions allowing students to take more than two virtual courses, permitting districts to determine whether their pupils have completed credit without using subject area content expectations and guidelines, removing the requirement for districts to retain pupils in grade 3 if they are not reading proficiently, suspending language penalizing districts for failing to file reports or employing individuals without valid teaching certificates, allowing districts to operate year round programming or to start the 2020-2021 school year before Labor Day, and requiring districts to implement the EO in a manner consistent with existing collective bargaining agreements.

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill, along with Senate Bill 875, 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 alternative 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, 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 public school academies would face some build-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 public school academies would see additional savings.

It is likely, however, that districts and public school academies 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 public school academies 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.

Fiscal Analyst: Cory Savino
Kathryn Summers

SAS\S1920\s873sa

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.