



Senate Bill 875 (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 Revised School Code to do the following:

- **Incorporate all orders, rules, regulations, proclamations, directives, and provisions included in Executive Order (EO) 2020-35 by reference.**
- **Encourage, until June 1, 2020, under EO 2020-51, school districts and nonpublic schools to identify employees who volunteered to become disaster relief child care center participants before reassigning other employees to work in a center.**
- **Prohibit a school districts and nonpublic schools from requiring an employee to work in a disaster relief child care center if certain conditions apply to that employee.**

Notwithstanding any provision of the Code to the contrary, all orders, rules, regulations, proclamations, directives, and provisions, except for those relating to the Public School Employees Retirement Act of 1979, included in EO 2020-35 would be incorporated into the Code by reference and would remain in effect for the remainder of the 2019-2020 school year. The orders, rules, regulations, proclamations, directives, and provisions incorporated by reference that are specified by the Order as continuing beyond the 2019-2020 school year would continue and would remain in effect until otherwise specified by the Order.

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

Notwithstanding any provisions of the Code to the contrary, until June 1, 2020, in response to the state of emergency described in EO 2020-51, schools districts and nonpublic schools first would have to identify employees who voluntarily elected to become disaster relief child care center participants before reassigning other employees to work in a disaster relief child care center, to the extent authorized under applicable contracts and laws.

Districts and nonpublic schools could not require an employee to work in a disaster relief child care center if that employee met any of the following conditions:

- Had a confirmed diagnosis of COVID-19 or had been in contact with someone with a confirmed diagnosis of COVID-19 in the last 14 days.
- Displayed the symptoms of COVID-19.
- Was 60 years old or older.
- Had an underlying condition that placed that employee at an elevated risk of serious illness from COVID-19.

MCL 380.1279g et al.

BACKGROUND

Executive Order 2020-35, issued on March 30, 2020, suspends in-person K-12 instruction for the remainder of the 2019-2020 school year, and provides limited and temporary relief from certain restrictions and requirements to allow K-12 education to continue using alternative means. The Order was effective upon issuance and remained in effect until it was rescinded and replaced by Executive Order 2020-65, which will remain in effect through the end of the states of emergency and disaster.

Executive Order 2020-51, effective April 15, 2020, and continuing through May 13, 2020, suspended certain requirements pertaining to child care organizations and allowed for the establishment of disaster relief child care centers. It allowed the Department of Licensing and Regulatory Affairs to issue provisional licenses for child care organizations under terms that differ from those found in statute. The Department was authorized to renew provisional licenses until the termination of the state of emergency. Additionally, the Order temporarily suspended the child care organization licensure requirements for employers and schools seeking to establish disaster relief child care centers. The Order allowed disaster relief child care centers to operate in school districts and allowed the use of employees from the school district.

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill, along with Senate Bill 873, 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, 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.

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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.