

Legislative Analysis



STUDENT HEALTH AND SAFETY REQUIREMENTS FOR SCHOOLS

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<http://www.house.mi.gov/hfa>

House Bill 4089 as introduced
Sponsor: Rep. Luke Meerman

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

House Bill 4092 as introduced
Sponsor: Rep. Nancy DeBoer

House Bill 4096 as introduced
Sponsor: Rep. Ranjeev Puri

House Bill 4095 as introduced
Sponsor: Rep. Stephanie A. Young

House Bill 5549 as introduced
Sponsor: Rep. Kelly Breen

House Committee: Education
Complete to 3-19-24

SUMMARY:

House Bill 4089 would amend the Revised School Code to create the School Safety and Mental Health Commission and provide for its membership, procedures, and duties.

Membership

The bill would create the School Safety and Mental Health Commission in the Department of Education (MDE). The commission would consist of the following nine members:

- The following appointed by the speaker of the House of Representatives:
 - One member with experience in school mental health.
 - One member with a background in law enforcement.
 - One member who is a parent.
- The following appointed by the Senate majority leader:
 - One member who is a school psychologist or school psychiatrist.
 - One member who is a prosecutor.
 - One member who is a teacher.
- The following appointed by the governor:
 - One member with a background in school administration.
 - One member with experience in school threat assessments.
 - One member with experience in providing inpatient treatment to minors.

Procedures

Members would serve four-year terms. Vacancies would be filled for the balance of the term in the same manner as the original appointment. The governor could remove a member of the commission for incompetence, dereliction of duty, malfeasance or nonfeasance in office, or any other good cause. Members would not be entitled to compensation for serving on the commission, but could be reimbursed for actual and necessary expenses incurred in doing so.

The commission would have to meet at least monthly. A majority of commission members would constitute a quorum, and a vote of the majority of members serving would be required for commission action. Commission business would have to be conducted in compliance with the Open Meetings Act. A writing prepared, owned, used, possessed, or retained by the

commission in performing an official function would be subject to the Freedom of Information Act. The commission could hire an executive director and staff.

Duties

The commission would have to do all of the following:

- Collaborate with state agencies and other entities, including MDE and the Office of School Safety in the Department of State Police (MSP), to reduce youth suicides and strengthen the mental health of school-aged children, adolescents, and their families in a comprehensive, statewide approach.
- Seek input from organizations and educational and mental health professionals from across Michigan to identify and support students at risk for behavioral health issues.
- Collaborate with the Michigan Suicide Prevention Commission on recommendations regarding youth suicide.
- Engage in public awareness efforts regarding mental health issues and resources, host professional trainings, and create and maintain an online community through which best practices and resources can be shared.
- Work with mental health coordinators and civilian school safety specialists as described in section 1308g of the code and act as a liaison for the coordinators and managers to facilitate and aid the communication of best practices. (Section 1308g would be added to the Revised School Code by House Bill 4097.)
- Review possible uses of and make recommendations for the use of funding under section 97 of the State School Aid Act¹ and provide an analysis of the effectiveness of programs, products, and vendors that have received or will receive funding under that section. (Section 97 of the School Aid Act allocated \$168.0 million for the 2022-23 fiscal year only to provide payments to school districts and nonpublic schools for activities to improve school safety. However, the section was repealed at the beginning of the 2023-24 fiscal year.)
- Convey recommendations to the Department of Licensing and Regulatory Affairs (LARA) and the Bureau of Construction Codes concerning building construction that is consistent with school safety needs.

Proposed MCL 380.1308h

House Bill 4092 would amend 2018 PA 435, which created the Office of School Safety, by requiring that the office, in conjunction with MSP, notify the emergency and safety manager of an intermediate school district (ISD) of a *tip* received relating to a school within that ISD as soon as possible or within 24 hours after receiving that tip. The county sheriff or local law enforcement agency that serves the area where the school is located would also have to be notified within the same time frame.

Tip would mean a report or other information from the public regarding potential harm or self-harm or criminal acts directed at *schools, school students, or school employees* in Michigan, received through the **OK2SAY program** or a successor program, through the 9-1-1 system, or through any other system or program used to report tips.

¹ <http://legislature.mi.gov/doc.aspx?mcl-388-1697>

OK2SAY program would mean the state’s student safety program that allows students to confidentially report tips on potential harm or criminal activities directed at students, school employees, and schools.²

School would mean a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12, regardless of whether school is in session, and would include all school property.

School student would mean an individual who is enrolled as a student in a school, regardless of whether school is in session.

School employee would mean a full- or part-time employee of a school, school district, or ISD, regardless of whether school is in session, including a school administrator; a volunteer with a school, school district, or ISD; or any other individual who provides services to a school, school district, or ISD while on school property.

The bill could not take effect unless House Bills 4089, 4097, 4099, and 4100 were all also enacted.

Proposed MCL 28.682

House Bills 4095 and 4096 would amend the Revised School Code to require MSP to develop a standardized response terminology plan to provide direction for terminology that should be used by schools in response to certain situations and to require the governing bodies of public and nonpublic schools to adopt and implement the plan.

House Bill 4096 would require MSP, by July 1, 2024, to promulgate rules establishing a standardized response terminology plan and to provide the plan to public and nonpublic schools. The plan would have to include at least all of the following:

- Direction concerning terminology that should be used by schools in response to certain situations that occur in or at their **school buildings**, including at least the following:
 - **Lockdown** should be used when there is an existing threat in or at a school building or a threat is expecting to arrive there imminently.
 - **Secure mode** should be used when it is determined that a lockdown is not necessary but heightened security is needed because of a potential external threat. Under secure mode, instruction would have to continue in a normal manner, but access to the school building, movement throughout the building, and student activities would have to be limited and monitored.
 - **Shelter in place** should be used when conditions are safer inside a school building than they are outside the building. These conditions would include such things as certain severe weather conditions or hazardous materials incidents that are in close proximity to the school building.

² The program is created under the Student Safety Act: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-183-of-2013.pdf>

For more information, see <https://www.michigan.gov/ok2say> and https://www.michigan.gov/ok2say/-/media/Project/Websites/ok2say/2022/PDFs/OK2SAY_FAQs_Principal.pdf

- **Reverse evacuation** should be used when students and school staff need to move rapidly but systematically from an outdoor area to an indoor area where they can be protected from a threat.
- **Room clear** should be used when students need to be evacuated from a specific place in a school building to a safer place in the building to protect them from harm or to allow school staff and first responders to address an incident.
- Direction providing that all public and nonpublic schools should be in “secure mode” as described above when instruction is being provided.
- Direction concerning the use of a color-coding system to indicate when the terminology described above should be in use at a public or nonpublic school.

School building would mean a building intended for providing instruction or a recreational or athletic structure or field intended for student use.

Proposed MCL 380.1308c

House Bill 4095 would require the board of a school district or ISD, the board of directors of a public school academy (PSA, or charter school), or the governing body of a nonpublic school to ensure that it adopts and implements the standardized response terminology plan established under House Bill 4096.

House Bill 4095 would not take effect unless HB 4096 were also enacted.

Proposed MCL 380.1308d

House Bill 5549 would amend the Revised School Code to require that the board of each public school have a behavior threat assessment and management team and provide for individuals who should serve on that team.

A threat assessment and management team would have to include at least the following individuals:

- A school administrator, who would be responsible for ensuring that the behavior threat assessment and management team fulfills its duties (as described below).
- A ***mental health professional***.
- A school resource officer or other law enforcement official.

Mental health professional would mean an individual who is trained and experienced in the area of mental illness or developmental disabilities and is one of the following as authorized under the Public Health Code:

- A physician.
- A psychologist.
- A licensed or authorized registered professional nurse.
- A licensed master’s social worker.
- A licensed professional counselor.
- A marriage and family therapist.

The duties of the team would include at least all of the following:

- Defining prohibited and concerning behavior and educating the school community on when someone is at risk for potential harm to themselves or others.
- Monitoring, assessing, and performing inquiries into concerning behavior.
- Distinguishing between credible and noncredible threats.
- Developing a central reporting mechanism and educating students, parents, legal guardians, and school personnel on how to report concerning behavior and what is appropriate to report.
- Outlining the relationship between school personnel and law enforcement and determining the threshold for when a situation requires the intervention of law enforcement.
- Developing a written plan to assist a student who is engaging in concerning behavior. The plan would have to consider using *supportive measures* in addition to any punitive measures imposed.

Supportive measures would mean interventions involving school-based and community-based support structures that focus on building resiliency and protecting the student while also addressing any safety concerns.

Proposed MCL 380.1308c

FISCAL IMPACT:

House Bill 4089 would create costs for the state and would have no fiscal impact on school districts, intermediate school districts ISDs, or PSAs.

The Michigan Department of Education would incur costs to create the School Safety and Mental Health Commission within the department. A similar commission of the same name was created under section 97e of the School Aid Act in the FY 2022-23 budget. Originally housed within MDE and funded at \$2.0 million one-time GF/GP, the FY 2023-24 budget made several boilerplate revisions, including housing the commission under Wayne RESA rather than MDE, and appropriated another \$2.0 million in one-time funding, revised from GF/GP to School Aid Fund. House Bill 4089 allows, but does not require, members of the commission to be reimbursed for costs incurred and allows, but does not require, the hiring of an executive director and staff. These allowable uses are also included for the commission created under section 97e. Funds are not limited to these purposes, nor does the bill require funding to be appropriated.

In addition, there is a School Safety Commission within the MSP Office of School Safety. The Office of School Safety would incur no additional costs from the bill.

House Bill 4092 would have no fiscal impact on the state or on school districts, ISDs, or PSAs.

House Bills 4095 and 4096 would have no substantial fiscal impact on the Department of State Police, as existing resources could fulfill its responsibilities as added by the bills. The bills could create minimal costs for school districts, ISDs, and PSAs to adopt and implement the standardized response terminology plan. These costs would likely be absorbed using existing staff time.

House Bill 5549 would have no fiscal impact on the state and could create minimal costs for school districts, ISDs, and PSAs to operate a behavior threat assessment and management team for each school. These costs would likely be absorbed using existing staff time.

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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.