

Legislative Analysis



SCHOOL SAFETY REQUIREMENTS

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

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

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

House Bill 4096 as introduced
Sponsor: Rep. Ranjeev Puri

House Bill 5549 as introduced
Sponsor: Rep. Kelly Breen

House Bill 5659 as introduced
Sponsor: Rep. Luke Meerman

House Bill 5660 as introduced
Sponsor: Rep. Nancy DeBoer

Committee: Education
Revised 12-3-24

SUMMARY:

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.
 - **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

House Bill 5659 would amend the Comprehensive School Safety Plan Act to eliminate the current School Safety Commission, effective December 31, 2024, and repeal the section that established that commission. The bill would create a new commission, the School Safety and Mental Health Commission, in the Department of State Police, effective January 1, 2025.

The new commission would have to do all of the following:

- Collaborate to provide recommendations to reduce youth suicides and strengthen the mental health of school-aged children, adolescents, and their families through a comprehensive, statewide approach.
- Seek input from educational professionals, mental health professionals, and organizations from across the state to suggest approaches to identify and support students at risk of behavioral health issues.
- Collaborate with the Michigan Suicide Prevention Commission on recommendations regarding youth suicide.
- Create and maintain an online community through which best practices and resources can be shared.
- Convene symposiums with other relevant commissions, organizations, and professionals.
- Convey recommendations to the Department of Licensing and Regulatory Affairs (LARA) and the Bureau of Construction Codes within LARA concerning building construction that is consistent with school safety needs.

The commission would consist of the following 12 individuals appointed by the governor:

- One member who has experience in school mental health, appointed from a list of three or more names submitted by the House minority leader.
- One member who has a background in law enforcement, appointed from a list of three or more names submitted by the speaker of the House.
- One member who is a parent, appointed from a list of three or more names submitted by the speaker of the House.
- One member who has experience with special education, appointed from a list of three or more names submitted by the speaker of the House.
- One member who is a school psychologist or psychiatrist, appointed from a list of three or more names submitted by the Senate minority leader.
- One member who is a behavioral health professional or behavioral psychologist, appointed from a list of three or more names submitted by the Senate majority leader.

- One member who is a teacher, appointed from a list of three or more names submitted by the Senate majority leader.
- One member who is affiliated with a community-based organization working with youths, appointed from a list of three or more names submitted by the Senate majority leader.
- One member who has a background in school administration.
- One member who has experience in school threat assessments.
- One member who has experience in providing inpatient treatment to children under 18.
- One member who is a current student or recent graduate of a high school.

In addition to these appointed members, the director of the Department of State Police, the state superintendent of public instruction, and the director the Department of Health and Human Services, or their respective designees, would each serve as nonvoting commission members. The commission could hire an executive director and staff, although commission members would themselves serve without compensation.

Of the members first appointed, seven would serve two-year terms and five would serve four-year terms. After those terms end, members would serve four-year terms or until a successor is appointed, whichever is later. Vacancies in the commission would have to be filled in the same way 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.

The commission would have to meet at least quarterly. A majority of its members would constitute a quorum, and a vote of the majority of the members of the commission would be required for any commission action. The commission would be subject to the Open Meetings Act and the Freedom of Information Act.

Starting October 30, 2026, and annually by each October 30 thereafter, the commission would have to prepare and issue an annual report detailing its findings, recommendations, and updates on prior initiatives. The committee would have to make this report publicly available on the Department of State Police website and also send a copy to the following:

- The House and Senate school aid appropriation committees.
- The House and Senate standing committees on education.
- The House and Senate fiscal agencies.

MCL 28.803, proposed MCL 28.806, and MCL 28.805 (repealed)

House Bill 5660 would amend provisions of the Revised School Code to refer to the School Safety and Mental Health Commission instead of the School Safety Commission, beginning January 1, 2025. The bill cannot take effect unless House Bill 5659 is also enacted.

MCL 380.6, 380.1241, and 380.1308a

FISCAL IMPACT:

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.

House Bill 5659 would have an indeterminate fiscal impact on the state and no fiscal impact on local units of government. The School Safety and Mental Health Commission (SSMHC) would take over many of the School Safety Commission's functions related to school safety, while also assuming new functions related to student mental health and suicide prevention, which could result in increased costs for MSP that would likely be absorbed by existing appropriations. The SSMHC would also be newly allowed (but not required) to hire an executive director and staff and to reimburse commissioners for certain costs. Because the bill does not require funding to be appropriated for these purposes and the SSMHC's costs cannot be predicted, an estimate of the fiscal impact on the state cannot be made.

House Bill 5660 is a companion bill to House Bill 5659 and would itself have no fiscal impact on any unit of state or local government.

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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.