
MEMORANDUM

To: Honorable Members of the House Education Committee
From: Jennifer Smith, Director of Government Relations
Date: April 13, 2021
RE: **House Bill 4167 and school inspections**

On behalf of elected public school board members across the state, the Michigan Association of School Boards opposes House Bill 4167. We believe in ensuring schools are safe places to work and learn, but this bill will not enhance those efforts. The following outlines the specific concerns we have which were shared with the bill sponsor.

- Assigning this responsibility to the ISD board or superintendent does not guarantee that someone on the board or staff has the expertise to do these inspections. If a designee is needed, a person may need to be hired for just this purpose, creating new costs. The need will be different based on the size of the constituent districts and how many buildings are on their properties. The level of responsibilities of an ISD will be different as well. For example, Oakland Schools has 28 local constituent districts, whereas Eaton RESA has six. But all will see increased costs if the bill is passed, creating an unfunded mandate.
- Much of the inspection is subjective and could open districts up to unnecessary costs or legal action. The bill does not include any protections for a person using their “good faith” judgment.
- This bill requires modifications and remediation within 14 days of the inspection. Law requires any repairs or contracts worth more than \$25,288 to be done through a competitive bid process. The request for proposal and approval of contract must be done by the local school board (the ISD has no role in this for its constituent districts). Lesser repair amounts may still require a budget adjustment. Both would require a public board meeting before a contract could be entered into or repairs could begin. Therefore, proving within 14 days that the district has entered into a contract for the remediation will be difficult.
- Larger repairs that require a bond or sinking fund would require a public election. The local district would have to draw up the bond proposal for approval by the board, send it to treasury for ballot approval and then go to the voters. This process cannot be done in 14 days.
- An ISD cannot pass a bond to help a specific constituent district, nor does it have control over a local district’s budget. Its inspector would highlight and report the issue, but the remediation then falls to someone else.
- In many cases, districts are not derelict in fixing obvious issues. It simply may not have the funds to do so. Capital improvements generally require a bond approved by the voters. Districts have different levels of success in these elections and raise varying amounts with the same millage rate.

Again, our schools must be safe and secure. However, the details of this bill make it expensive and difficult to implement without any additional safety benefit. Many building inspections are already taking place by health departments, fire departments, the state police and insurance carriers, among others. MASB suggests addressing capital needs and resources at the state level before requiring an additional annual inspection with tight restraints.

Thank you for your consideration. Please feel free to contact me with any questions at jsmith@masb.org or 517.204.6015.