

SCHOOL SAFETY INSPECTIONS

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House Bill 4739 as introduced
Sponsor: Rep. Ryan Berman
Committee: Education
Complete to 10-7-19

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

SUMMARY:

House Bill 4739 would amend the Revised School Code to require the Michigan Department of Health and Human Services (DHHS) to conduct yearly safety inspections of school buildings and provide notice of violations. DHHS would have to promulgate rules regarding the inspections by March 1, 2020.

Under the bill, before August 15, 2020, and yearly thereafter, DHHS would have to inspect each *school building* operated by a public or nonpublic school for health and safety violations.

School building would mean a building used primarily to provide instruction to pupils and a recreational or athletic structure or field intended to be used by pupils.

DHHS would have to provide notice of any health or safety violations to the school's governing body within 14 days after the inspection, with any required or recommended modifications or remedial measures noted.

Within 14 days after receiving the notice, a school's governing body would have to submit to DHHS proof of any remedial measures taken to correct violations.

The bill would take effect 90 days after its enactment.

Proposed MCL 380.1263a

BACKGROUND:

The bill is understood to be a response to the 2017 death of a three-year-old child at a Head Start program, which occurred when a lunch table fell on her.¹

FISCAL IMPACT:

State

House Bill 4739 would have an estimated cost of \$3.5 million to \$4.0 million for DHHS to annually inspect for health and safety violations in each public or nonpublic school building used primarily to provide instruction to pupils, including a recreational or athletic

¹ <http://www.fox2detroit.com/news/local-news/mom-of-girl-killed-by-falling-lunch-table-fights-for-lilliana-s-law>

structure or field intended to be used for pupils. DHHS would also be required to provide notice of violations to the school governing body and indicate modifications needed.

DHHS costs for this new program would include rule promulgation, staff, training, information technology systems, travel, inspections, follow-up notifications, and reporting. Over 4,500 buildings fall under the requirements of this bill. (This number does not yet include athletic structures/fields that must be inspected under the bill.) If the average building inspection and all related activity requires two days of staff time, the DHHS program would employ about 37 staff to accomplish the requirements of the bill annually, at an estimated cost of \$3.5 million. Information technology costs may be higher in the initial year.

The actual DHHS program costs would be dependent on the rules promulgated to implement the bill, including the extensiveness of the health and safety inspection checklist, and the structure of the inspection program, including possible use of school self-evaluation and reporting, and/or inspection by local or contractual entities or by the Department of Licensing and Regulatory Affairs (LARA).

LARA currently conducts several types of inspections on schools, though none are completed on a regularly scheduled basis. The Bureau of Construction Codes conducts inspections related to construction permits obtained by schools, the Bureau of Community and Health Systems inspects schools containing licensed child care facilities, and the Bureau of Fire Services conducts necessary inspections pursuant to the Fire Prevention Code. Generally speaking, LARA defrays the costs that it incurs to conduct the inspections through the imposition of various fees on facilities undergoing said inspections.

Local

School districts, intermediate school districts (ISDs), public school academies (PSAs), and nonpublic schools would incur cost increases if DHHS inspections determined that there was a health and safety violation in one of their buildings, which would require submitted proof to DHHS within 14 days of remedial measures taken. This cost is indeterminate, as it would depend on the type and extent of repair and remediation necessary.

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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.