

Good Morning, Mr. Chairman and members of the _____ Committee. My name is _____, and I am the Chairman of the Local Control Forever coalition. We are a group of community leaders from local school boards, municipalities, and even a couple of county commissioners that strive to protect the ability of communities to govern themselves without overbearing interference from the state and federal government. I am here to express our opposition to House Bill 4162, as introduced.

Let's get the obvious out of the way. No one supports bullying. Bullying damages individuals, damages our institutions and as social media has grown, it has become more pervasive by allowing more ways people can be attacked. Trolls online hide behind their screens and keyboards to post vile comments with no regard to the decency our society needs so desperately.

It is indeed a problem that should be addressed. The state government, through its Department of Education, is not the vehicle to address the problem. There are over 587 school districts in the state, over 3,700 different schools, serving over 2 million students – even these days where COVID has us separated from one another. Each of these schools are unique with their own way. They have their own cultures, and they are representative of their communities. For the state to mandate a one size fits all policy for all of these communities is synonymous to trying to force a round peg in a square hole. It just doesn't work.

For more than a century, the predominate public policy in our state has embodied the principle of that local government – those closest to the people – must have broad authority to address local issues and to do so without interference or mandates from the state government. But another way, citing McQuillin's Law of Municipal Corporations – one of the most cited national treaties on local government, "Local self-government has come to be regarded as the most important feature in our system. The American people have always acted upon the deep-seated conviction that local matters can be better regulated by the people of the locality than by the state or central authority ..."

The 1908 Michigan Constitution embraced this idea. It provided broad autonomy for local government as part of a home rule arrangement under which cities and villages are delegated substantial authority to govern their own affairs. This continued into the adoption of the current constitution, adopted in 1963. In Article 7, section 22, the wide authority for local governments to act. In their comments on their proposal, the Constitutional Convention stated, "This revision reflects Michigan's successful experience with home rule. The new language is a more positive statement of municipal powers, giving home rule cities and villages full power over their own property and government, subject to the constitution and law."

Further, the 1963 constitution added Article 7, section 34 providing that "the provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor." It is a logical leap to connect school districts to this list and protection of home rule and local control.

So, what will work to solve the issue of bullying. What works, is to allow each school district to tailor their policies to suit the respective needs and to honor their own people. Proponents will argue that the language in the bill, particularly at page one lines 1 through 5 recognizes the need for local control. But as you read through the rest of the legislation, particular at page 3, line 23, the Department of Education will develop appropriate procedures to investigate cases of bullying that local school districts have to use. Why? Wouldn't the local school district already have an idea how best they can investigate these situations.

Further, let's consider the problems the state has caused in the current situation related to COVID. The state has, without concern for the impact on local communities, mandated closures, cancelled school days, cancelled sports events, limited the ability of restaurants to serve customers and many other actions that damages the economy. The amount of money the state and federal government has had to provide in loans doesn't come close to repairing that damage. This is what happens when enlightened bureaucrats make decisions from hundreds of miles away. And God forbid that in their definition of the types of categories of people that should be protected in a policy, that some class is not included in that state mandated code or the list found at page 6, lines 9 – 14 of the bill. If a football player is bullied by a volleyball player because of the sport they play ... is that something that is covered? Not under this bill – or at the least it isn't clearly stated in this bill. That's a potential loophole that the enlightened clearly didn't think about.

Frankly, this bill isn't necessary, since the Model Anti-Bullying policy was adopted by the State Board of Education in 2006. Given the power to adopt the policies that make the most sense, local governments can use this policy if they choose without being told they have to.

Lastly, the legislation treads closely to hampering the First Amendment rights of students ... both those who are victims of bullying and those who are the perpetrators. Anything physical must be addressed and can be through the criminal code, but when dealing with the ability of a Michigander to express their thoughts and opinions – a state mandate must be avoided.

We ask, as you honor your oaths of office to the state constitution of 1963 – which enshrines local control as a predominate policy in this state and oppose HB 4162 as introduced. Thank you, Mr. Chairman, and I am willing to answer any questions the committee may have.