

**SUBSTITUTE FOR  
SENATE BILL NO. 29**

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending sections 11, 21f, 31n, and 167 (MCL 388.1611,  
388.1621f, 388.1631n, and 388.1767), sections 11 and 31n as amended  
by 2020 PA 165, section 21f as amended by 2020 PA 147, and section  
167 as amended by 2013 PA 122, and by adding sections 11n, 11o,  
11r, 23b, 23c, 23d, and 104a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 11. (1) ~~For the fiscal year ending September 30, 2020,~~  
2 ~~there is appropriated for the public schools of this state and~~  
3 ~~certain other state purposes relating to education the sum of~~  
4 ~~\$12,829,470,800.00 from the state school aid fund, the sum of~~  
5 ~~\$104,660,000.00 from the general fund, an amount not to exceed~~



1 ~~\$75,900,000.00 from the community district education trust fund~~  
 2 ~~created under section 12 of the Michigan trust fund act, 2000 PA~~  
 3 ~~489, MCL 12.262, an amount not to exceed \$9,717,800.00 from the~~  
 4 ~~talent investment fund created under section 8a of the higher~~  
 5 ~~education loan authority act, 1975 PA 222, MCL 390.1158a, an amount~~  
 6 ~~not to exceed \$31,900,000.00 from the MPSEERS retirement obligation~~  
 7 ~~reform reserve fund, and an amount not to exceed \$100.00 from the~~  
 8 ~~water emergency reserve fund. For the fiscal year ending September~~  
 9 ~~30, 2021, there is appropriated for the public schools of this~~  
 10 ~~state and certain other state purposes relating to education the~~  
 11 ~~sum of \$13,589,621,600.00~~ **\$13,903,106,300.00** ~~from the state school~~  
 12 ~~aid fund, the sum of \$50,964,700.00~~ **\$50,964,600.00** ~~from the general~~  
 13 ~~fund, an amount not to exceed \$77,700,000.00 from the community~~  
 14 ~~district education trust fund created under section 12 of the~~  
 15 ~~Michigan trust fund act, 2000 PA 489, MCL 12.262, and an amount not~~  
 16 ~~to exceed \$100.00 from the water emergency reserve fund. In~~  
 17 ~~addition, all available federal funds are appropriated for the~~  
 18 ~~fiscal years~~ **year** ~~ending September 30, 2020 and September 30, 2021.~~

19 (2) The appropriations under this section are allocated as  
 20 provided in this article. Money appropriated under this section  
 21 from the general fund must be expended to fund the purposes of this  
 22 article before the expenditure of money appropriated under this  
 23 section from the state school aid fund.

24 (3) Any general fund allocations under this article that are  
 25 not expended by the end of the fiscal year are transferred to the  
 26 school aid stabilization fund created under section 11a.

27 **Sec. 11n. From the federal fund money appropriated under**  
 28 **section 11, there is allocated for 2020-2021 an amount not to**  
 29 **exceed \$125,225,100.00 from the federal funding awarded to this**



1 state from the governor's emergency education relief (GEER) fund  
2 under the coronavirus response and relief supplemental  
3 appropriations act, 2021, division M of Public Law 116-260, and  
4 there is allocated for 2020-2021 an amount not to exceed  
5 \$807,349,300.00 from the federal funding awarded to this state from  
6 the elementary and secondary school emergency relief (ESSER) fund  
7 under the coronavirus response and relief supplemental  
8 appropriations act, 2021, division M of Public Law 116-260.

9       Sec. 11o. From the federal fund money allocated under section  
10 11n, there is allocated for 2020-2021 an amount not to exceed  
11 \$86,777,000.00 from the federal funding awarded to this state from  
12 the governor's emergency education relief (GEER) fund under the  
13 coronavirus response and relief supplemental appropriations act,  
14 2021, division M of Public Law 116-260, for emergency assistance to  
15 nonpublic schools as provided under section 312(d) of the  
16 coronavirus response and relief supplemental appropriations act,  
17 2021, division M of Public Law 116-260.

18       Sec. 11r. (1) From the federal fund money allocated under  
19 section 11n, there is allocated for 2020-2021 an amount not to  
20 exceed \$807,349,300.00 from the federal funding awarded to this  
21 state from the elementary and secondary school emergency relief  
22 (ESSER) fund under the coronavirus response and relief supplemental  
23 appropriations act, 2021, division M of Public Law 116-260, and  
24 there is allocated for 2020-2021 an amount not to exceed  
25 \$10,195,100.00 from the federal funding awarded to this state from  
26 the governor's emergency education relief (GEER) fund under the  
27 coronavirus response and relief supplemental appropriations act,  
28 2021, division M of Public Law 116-260, and from the state school  
29 aid fund money appropriated under section 11, there is allocated



1 \$115,455,600.00 for the purposes of this section.

2 (2) From the federal funds allocated under subsection (1),  
3 \$650,000,000.00 is allocated for payments to districts as provided  
4 under this subsection. From the funds allocated in this subsection,  
5 the department shall pay each district in proportion to the amount  
6 of funds the district received under part A of title I of the  
7 elementary and secondary education act of 1965, Public Law 103-382,  
8 in the most recent fiscal year. The funding under this subsection  
9 is a portion of the funding that is designated as subgrants to  
10 local educational agencies as provided under section 313(c) of the  
11 coronavirus response and relief supplemental appropriations act,  
12 2021, division M of Public Law 116-260.

13 (3) From the federal funds from the elementary and secondary  
14 school emergency relief (ESSER) fund allocated under subsection  
15 (1), there is allocated \$157,349,300.00 that is designated as state  
16 funding under section 313(e) of the coronavirus response and relief  
17 supplemental appropriations act, 2021, division M of Public Law  
18 116-260, from the federal funds from the governor's emergency  
19 education relief (GEER) fund allocated under subsection (1), there  
20 is allocated \$10,195,100.00, and from the state school aid fund  
21 money allocated under subsection (1), there is allocated  
22 \$115,455,600.00 to eligible districts as provided in this  
23 subsection. A district that has an ESSER formula payment per pupil  
24 that is less than \$450.00 is an eligible district under this  
25 subsection. The department shall pay each eligible district under  
26 this subsection an amount equal to the product of the district's  
27 2020-2021 pupils in membership multiplied by the difference between  
28 \$450.00 and the district's ESSER formula payment per pupil. As used  
29 in this subsection, "ESSER formula payment per pupil" means an



1 amount equal to the amount of funds the district receives under  
2 subsection (2) divided by the district's pupils in membership for  
3 the 2020-2021 school year as calculated under section 6.

4 (4) Funds received by districts under this section must be  
5 used for the purposes described in section 313(d) of the  
6 coronavirus response and relief supplemental appropriations act,  
7 2021, division M of Public Law 116-260.

8 (5) In order to receive funding under this section, a district  
9 must submit a spending plan to the department by not later than 14  
10 days after the effective date of the amendatory act that added this  
11 section. A spending plan described in this subsection must include  
12 the district's estimated spending of funds received under this  
13 section for the purposes described in subsection (4), disaggregated  
14 by the type of service provided. The department shall send a report  
15 concerning the spending plans received under this subsection to the  
16 legislature.

17 Sec. 21f. (1) Except as otherwise provided under subsection  
18 (15), a primary district shall enroll an eligible pupil in virtual  
19 courses in accordance with the provisions of this section. Except  
20 as otherwise provided under subsection (15), a primary district  
21 shall not offer a virtual course to an eligible pupil unless the  
22 virtual course is published in the primary district's catalog of  
23 board-approved courses or in the statewide catalog of virtual  
24 courses maintained by the Michigan Virtual University pursuant to  
25 section 98. The primary district shall also provide on its publicly  
26 accessible website a link to the statewide catalog of virtual  
27 courses maintained by the Michigan Virtual University. Except as  
28 otherwise provided under subsection (15), unless the pupil is at  
29 least age 18 or is an emancipated minor, a pupil must not be



1 enrolled in a virtual course without the consent of the pupil's  
2 parent or legal guardian.

3 (2) Subject to subsection (3), and except as otherwise  
4 provided under subsection (15), a primary district shall enroll an  
5 eligible pupil in up to 2 virtual courses as requested by the pupil  
6 during an academic term, semester, or trimester.

7 (3) Except as otherwise provided under subsection (15), a  
8 pupil may be enrolled in more than 2 virtual courses in a specific  
9 academic term, semester, or trimester if all of the following  
10 conditions are met:

11 (a) The primary district has determined that it is in the best  
12 interest of the pupil.

13 (b) The pupil agrees with the recommendation of the primary  
14 district.

15 (c) The primary district, in collaboration with the pupil, has  
16 developed an education development plan, in a form and manner  
17 specified by the department, that is kept on file by the district.  
18 This subdivision does not apply to a pupil enrolled as a part-time  
19 pupil under section 166b.

20 (4) Except as otherwise provided under subsection (15), if the  
21 number of applicants eligible for acceptance in a virtual course  
22 does not exceed the capacity of the provider to provide the virtual  
23 course, the provider shall accept for enrollment all of the  
24 applicants eligible for acceptance. If the number of applicants  
25 exceeds the provider's capacity to provide the virtual course, the  
26 provider shall use a random draw system, subject to the need to  
27 abide by state and federal antidiscrimination laws and court  
28 orders. A primary district that is also a provider shall determine  
29 whether or not it has the capacity to accept applications for



1 enrollment from nonresident applicants in virtual courses and may  
2 use that limit as the reason for refusal to enroll a nonresident  
3 applicant.

4 (5) Except as otherwise provided under subsection (15), a  
5 primary district may not establish additional requirements beyond  
6 those specified in this subsection that would prohibit a pupil from  
7 taking a virtual course. Except as otherwise provided under  
8 subsection (15), a pupil's primary district may deny the pupil  
9 enrollment in a virtual course if any of the following apply, as  
10 determined by the district:

11 (a) The pupil is enrolled in any of grades K to 5.

12 (b) The pupil has previously gained the credits that would be  
13 provided from the completion of the virtual course.

14 (c) The virtual course is not capable of generating academic  
15 credit.

16 (d) The virtual course is inconsistent with the remaining  
17 graduation requirements or career interests of the pupil.

18 (e) The pupil has not completed the prerequisite coursework  
19 for the requested virtual course or has not demonstrated  
20 proficiency in the prerequisite course content.

21 (f) The pupil has failed a previous virtual course in the same  
22 subject during the 2 most recent academic years.

23 (g) The virtual course is of insufficient quality or rigor. A  
24 primary district that denies a pupil enrollment request for this  
25 reason shall enroll the pupil in a virtual course in the same or a  
26 similar subject that the primary district determines is of  
27 acceptable rigor and quality.

28 (h) The cost of the virtual course exceeds the amount  
29 identified in subsection (10), unless the pupil or the pupil's



1 parent or legal guardian agrees to pay the cost that exceeds this  
2 amount.

3 (i) The request for a virtual course enrollment did not occur  
4 within the same timelines established by the primary district for  
5 enrollment and schedule changes for regular courses.

6 (j) The request for a virtual course enrollment was not made  
7 in the academic term, semester, trimester, or summer preceding the  
8 enrollment. This subdivision does not apply to a request made by a  
9 pupil who is newly enrolled in the primary district.

10 (6) Except as otherwise provided under subsection (15), if a  
11 pupil is denied enrollment in a virtual course by the pupil's  
12 primary district, the primary district shall provide written  
13 notification to the pupil of the denial, the reason or reasons for  
14 the denial under subsection (5), and a description of the appeal  
15 process. The pupil may appeal the denial by submitting a letter to  
16 the superintendent of the intermediate district in which the  
17 pupil's primary district is located. The letter of appeal must  
18 include the reason provided by the primary district for not  
19 enrolling the pupil and the reason why the pupil is claiming that  
20 the enrollment should be approved. The intermediate district  
21 superintendent or designee shall respond to the appeal within 5  
22 days after it is received. If the intermediate district  
23 superintendent or designee determines that the denial of enrollment  
24 does not meet 1 or more of the reasons specified in subsection (5),  
25 the primary district shall enroll the pupil in the virtual course.

26 (7) Except as otherwise provided under subsection (15), to  
27 provide a virtual course to an eligible pupil under this section, a  
28 provider must do all of the following:

29 (a) Ensure that the virtual course has been published in the





1 pupil's primary district's catalog of board-approved courses or  
2 published in the statewide catalog of virtual courses maintained by  
3 the Michigan Virtual University.

4 (b) Assign to each pupil a teacher of record and provide the  
5 primary district with the personnel identification code assigned by  
6 the center for the teacher of record. If the provider is a  
7 community college, the virtual course must be taught by an  
8 instructor employed by or contracted through the providing  
9 community college.

10 (c) Offer the virtual course on an open entry and exit method,  
11 or aligned to a semester, trimester, or accelerated academic term  
12 format.

13 (d) If the virtual course is offered to eligible pupils in  
14 more than 1 district, the following additional requirements must  
15 also be met:

16 (i) Provide the Michigan Virtual University with a course  
17 syllabus that meets the definition under subsection (14)(g) in a  
18 form and manner prescribed by the Michigan Virtual University for  
19 inclusion in a statewide catalog of virtual courses.

20 (ii) Not later than October 1 of each fiscal year, provide the  
21 Michigan Virtual University with an aggregated count of enrollments  
22 for each virtual course the provider delivered to pupils under this  
23 section during the immediately preceding school year, and the  
24 number of enrollments in which the pupil earned 60% or more of the  
25 total course points for each virtual course.

26 (8) Except as otherwise provided under subsection (15), to  
27 provide a virtual course under this section, a community college  
28 shall ensure that each virtual course it provides under this  
29 section generates postsecondary credit.



1 (9) Except as otherwise provided under subsection (15), for  
2 any virtual course a pupil enrolls in under this section, the  
3 pupil's primary district must assign to the pupil a mentor and  
4 shall supply the provider with the mentor's contact information.

5 (10) Except as otherwise provided under subsection (15), for a  
6 pupil enrolled in 1 or more virtual courses, the primary district  
7 shall use foundation allowance or per-pupil funds calculated under  
8 section 20 to pay for the expenses associated with the virtual  
9 course or courses. Except as otherwise provided under subsection  
10 (15), a primary district is not required to pay toward the cost of  
11 a virtual course an amount that exceeds 6.67% of the minimum  
12 foundation allowance for the current fiscal year as calculated  
13 under section 20.

14 (11) A virtual learning pupil has the same rights and access  
15 to technology in his or her primary district's school facilities as  
16 all other pupils enrolled in the pupil's primary district. The  
17 department shall establish standards for hardware, software, and  
18 internet access for pupils who are enrolled in more than 2 virtual  
19 courses under this section in an academic term, semester, or  
20 trimester taken at a location other than a school facility.

21 (12) If a pupil successfully completes a virtual course, as  
22 determined by the pupil's primary district, the pupil's primary  
23 district shall grant appropriate academic credit for completion of  
24 the course and shall count that credit toward completion of  
25 graduation and subject area requirements. A pupil's school record  
26 and transcript must identify the virtual course title as it appears  
27 in the virtual course syllabus.

28 (13) The enrollment of a pupil in 1 or more virtual courses  
29 must not result in a pupil being counted as more than 1.0 full-time



1 equivalent pupils under this article. Except as otherwise provided  
2 under subsection (15), the minimum requirements to count the pupil  
3 in membership are those established by the pupil accounting manual  
4 as it was in effect for the 2015-2016 school year or as  
5 subsequently amended by the department if the department notifies  
6 the legislature about the proposed amendment at least 60 days  
7 before the amendment becomes effective.

8 (14) As used in this section:

9 (a) "Instructor" means an individual who is employed by or  
10 contracted through a community college.

11 (b) "Mentor" means a professional employee of the primary  
12 district who monitors the pupil's progress, ensures the pupil has  
13 access to needed technology, is available for assistance, and  
14 ensures access to the teacher of record. A mentor may also serve as  
15 the teacher of record if the primary district is the provider for  
16 the virtual course and the mentor meets the requirements under  
17 subdivision (e).

18 (c) "Primary district" means the district that enrolls the  
19 pupil and reports the pupil for pupil membership purposes.

20 (d) "Provider" means the district, intermediate district, or  
21 community college that the primary district pays to provide the  
22 virtual course or the Michigan Virtual University if it is  
23 providing the virtual course. **Beginning on the first day of the**  
24 **2020-2021 school year through August 31, 2021, "provider" also**  
25 **includes any other institution or individual that the primary**  
26 **district pays to provide the virtual course.**

27 (e) "Teacher of record" means a teacher who meets all of the  
28 following:

29 (i) Holds a valid Michigan teaching certificate or a teaching



1 permit recognized by the department.

2 (ii) If applicable, is endorsed in the subject area and grade  
3 of the virtual course.

4 (iii) Is responsible for providing instruction, determining  
5 instructional methods for each pupil, diagnosing learning needs,  
6 assessing pupil learning, prescribing intervention strategies and  
7 modifying lessons, reporting outcomes, and evaluating the effects  
8 of instruction and support strategies.

9 (iv) Has a personnel identification code provided by the  
10 center.

11 (v) If the provider is a community college, is an instructor  
12 employed by or contracted through the providing community college.

13 (f) "Virtual course" means a course of study that is capable  
14 of generating a credit or a grade and that is provided in an  
15 interactive learning environment where the majority of the  
16 curriculum is delivered using the internet and in which pupils may  
17 be separated from their instructor or teacher of record by time or  
18 location, or both.

19 (g) "Virtual course syllabus" means a document that includes  
20 all of the following:

21 (i) An alignment document detailing how the course meets  
22 applicable state standards or, if the state does not have state  
23 standards, nationally recognized standards.

24 (ii) The virtual course content outline.

25 (iii) The virtual course required assessments.

26 (iv) The virtual course prerequisites.

27 (v) Expectations for actual instructor or teacher of record  
28 contact time with the virtual learning pupil and other  
29 communications between a pupil and the instructor or teacher of



1 record.

2 (vi) Academic support available to the virtual learning pupil.

3 (vii) The virtual course learning outcomes and objectives.

4 (viii) The name of the institution or organization providing the  
5 virtual content.

6 (ix) The name of the institution or organization providing the  
7 instructor or teacher of record.

8 (x) The course titles assigned by the provider and the course  
9 titles and course codes from the National Center for Education  
10 Statistics (NCES) school codes for the exchange of data (SCED).

11 (xi) The number of eligible pupils that will be accepted by the  
12 provider in the virtual course. A primary district that is also the  
13 provider may limit the enrollment to those pupils enrolled in the  
14 primary district.

15 (xii) The results of the virtual course quality review using  
16 the guidelines and model review process published by the Michigan  
17 Virtual University.

18 (h) "Virtual learning pupil" means a pupil enrolled in 1 or  
19 more virtual courses.

20 (15) The requirements under this section concerning virtual  
21 courses do not apply to virtual courses offered as part of pandemic  
22 learning. As used in this subsection, "pandemic learning" means a  
23 mode of pupil instruction provided as a result of the COVID-19  
24 pandemic.

25 **Sec. 23b. (1) From the federal fund money allocated under**  
26 **section 11n awarded to this state from the governor's emergency**  
27 **education relief (GEER) fund under the coronavirus response and**  
28 **relief supplemental appropriations act, 2021, division M of Public**  
29 **Law 116-260, there is allocated for 2020-2021 an amount not to**



1 exceed \$22,400,000.00 and from the state school aid fund money  
2 appropriated under section 11, there is allocated for 2020-2021 an  
3 amount not to exceed \$145,000,000.00 to eligible districts and  
4 eligible intermediate districts described in subsection (4) to be  
5 used for COVID-19 remediation services in the manner described in  
6 subsection (6).

7 (2) The funds allocated under subsection (1) must be  
8 distributed by the department as follows:

9 (a) An amount not to exceed \$90,000,000.00 from the state  
10 school aid fund money allocated under subsection (1) for summer  
11 programs that are offered as part of COVID-19 remediation services  
12 under this section.

13 (b) An amount not to exceed \$45,000,000.00 from the state  
14 school aid fund money allocated under subsection (1) for credit  
15 recovery programs that are offered as part of COVID-19 remediation  
16 services under this section.

17 (c) An amount not to exceed \$22,400,000.00 from the federal  
18 funding allocated under subsection (1) for before-school, after-  
19 school, or before-and-after school programs that are offered as  
20 part of COVID-19 remediation services under this section.

21 (d) An amount not to exceed \$10,000,000.00 from the state  
22 school aid fund money allocated under subsection (1) for additional  
23 payments for summer programs and credit recovery programs that are  
24 offered as part of COVID-19 remediation services under this section  
25 that the department's innovation council designates as innovative  
26 under subsection (11).

27 (3) Except as otherwise provided in this subsection, to  
28 receive funding under this section, a district or intermediate  
29 district must apply for the funding in a form and manner prescribed



1 by the department. An application for funding under this section  
 2 must be submitted to the department by not later than March 15,  
 3 2021.

4 (4) A district or intermediate district that meets all of the  
 5 following is an eligible district or eligible intermediate district  
 6 under this section:

7 (a) In its application for funding under this section, the  
 8 district or intermediate district pledges to provide COVID-19  
 9 remediation services to eligible pupils.

10 (b) In its application for funding under this section, the  
 11 district or intermediate district includes a COVID-19 remediation  
 12 services plan. A plan described in this subdivision must include at  
 13 least all of the following, as applicable:

14 (i) For COVID-19 remediation services that include a summer  
 15 program, all of the following:

16 (A) A description of the summer program.

17 (B) The number of potential eligible pupils that will enroll  
 18 or the number of eligible pupils enrolled in the summer program.

19 (C) An estimate of costs for the preparation and  
 20 implementation of the summer program.

21 (D) A statement indicating whether or not the district or  
 22 intermediate district is requesting that the summer program be  
 23 designated as innovative under subsection (11) and the reasons the  
 24 district or intermediate district believes its program is  
 25 innovative.

26 (ii) For COVID-19 remediation services that include a credit  
 27 recovery program, all of the following:

28 (A) A description of the credit recovery program.

29 (B) The number of potential eligible pupils that will enroll



1 or the number of eligible pupils enrolled in the credit recovery  
2 program.

3 (C) An estimate of costs for the preparation and  
4 implementation of the credit recovery program.

5 (D) A statement indicating whether or not the district or  
6 intermediate district is requesting that the credit recovery  
7 program be designated as innovative under subsection (11) and the  
8 reasons the district or intermediate district believes its program  
9 is innovative.

10 (iii) For COVID-19 remediation services that include a before-  
11 school, after-school, or before-and-after school program, all of  
12 the following:

13 (A) A description of the before-school, after-school, or  
14 before-and-after school program.

15 (B) The number of potential pupils that will enroll or the  
16 number of eligible pupils enrolled in the before-school, after-  
17 school, or before-and-after school program.

18 (C) An estimate of costs for the preparation and  
19 implementation of the before-school, after-school, or before-and-  
20 after school program.

21 (D) Assurance that the before-school, after-school, or before-  
22 and-after school program is designed to emphasize remediation for  
23 eligible pupils.

24 (c) In its application for funding under this section, the  
25 district or intermediate district provides information concerning  
26 whether or not the district or intermediate district intends to  
27 contract for services as described in subsection (6) (a) in  
28 providing a summer program, credit recovery program, or before-  
29 school, after-school, or before-and-after school program as part of





1 its COVID-19 remediation services under this section.

2 (5) Subject to subsections (2) and (7), from the funding  
3 allocated under subsection (1), the department shall pay each  
4 eligible district and each eligible intermediate district all of  
5 the following, as applicable:

6 (a) An amount equal to \$550.00 for each eligible pupil that,  
7 based on the application for funding under this section, will be  
8 enrolled or is enrolled in the eligible district's or eligible  
9 intermediate district's summer program, as applicable, offered as  
10 part of the eligible district's or eligible intermediate district's  
11 COVID-19 remediation services under this section.

12 (b) An amount equal to \$550.00 for each eligible pupil that,  
13 based on the application for funding under this section, will be  
14 enrolled or is enrolled in the eligible district's or eligible  
15 intermediate district's credit recovery program, as applicable,  
16 offered as part of the eligible district's or eligible intermediate  
17 district's COVID-19 remediation services under this section.

18 (c) An amount not to exceed \$25,000.00 to each eligible  
19 district or eligible intermediate district for its before-school,  
20 after-school, or before-and-after school program offered as part of  
21 its COVID-19 remediation services under this section.

22 (d) In addition to the amounts distributed under subdivisions  
23 (a) and (b), an amount not to exceed \$100.00 for each eligible  
24 pupil who, based on the application for funding under this section,  
25 will be enrolled or is enrolled in the eligible district's or  
26 eligible intermediate district's summer program or credit recovery  
27 program, as applicable, if the program or programs have been  
28 designated as innovative under subsection (11).

29 (6) An eligible district or eligible intermediate district



1 that receives funding under this section shall only use that  
 2 funding to provide COVID-19 remediation services to eligible  
 3 pupils. Both of the following apply for purposes of this  
 4 subsection:

5 (a) An eligible district or eligible intermediate district may  
 6 contract with public or private entities, other districts or  
 7 intermediate districts, or a consortium of other districts or  
 8 intermediate districts to provide COVID-19 remediation services  
 9 under this section.

10 (b) An eligible intermediate district may provide its COVID-19  
 11 remediation services to its constituent districts to provide to  
 12 eligible pupils.

13 (7) If funds allocated under this section for summer programs  
 14 that are offered as part of COVID-19 remediation services under  
 15 this section are insufficient to fully fund calculations under this  
 16 section, the department shall apply proration of an equal dollar  
 17 amount per eligible pupil in a summer program. If funds allocated  
 18 under this section for credit recovery programs that are offered as  
 19 part of COVID-19 remediation services under this section are  
 20 insufficient to fully fund calculations under this section, the  
 21 department shall apply proration of an equal dollar amount per  
 22 eligible pupil in a credit recovery program. If funds allocated  
 23 under this section for before-school, after-school, or before-and-  
 24 after school programs that are offered as part of COVID-19  
 25 remediation services under this section are insufficient to fully  
 26 fund calculations under this section, the department shall apply  
 27 proration in equal proportion to the amount the eligible district  
 28 or eligible intermediate district would have received under this  
 29 section for that program but for the application of proration under



1 this subsection. If funds specifically allocated under this section  
2 for summer programs and credit recovery programs that are offered  
3 as part of COVID-19 remediation services under this section that  
4 have been designated as innovative under subsection (11) are  
5 insufficient to fully fund calculations under this section, the  
6 department shall apply proration of an equal dollar amount per  
7 eligible pupil in the program or programs described in this  
8 sentence.

9 (8) In awarding funding under this section, the department  
10 shall prioritize funding under this section that is distributed for  
11 before-school, after-school, and before-and-after school programs  
12 offered as part of COVID-19 remediation services under this section  
13 to the following eligible districts or eligible intermediate  
14 districts that offer those programs as part of their COVID-19  
15 remediation services:

16 (a) Eligible districts or eligible intermediate districts with  
17 the highest number of eligible pupils who, based on the application  
18 for funding under this section, will enroll or are enrolled in the  
19 program.

20 (b) Eligible districts or eligible intermediate districts with  
21 the largest size program.

22 (c) Eligible districts or eligible intermediate districts with  
23 the highest amount of costs for the program.

24 (9) A before-school, after-school, or before-and-after school  
25 program that is offered as part of COVID-19 remediation services  
26 under this section must be provided to eligible pupils in a manner  
27 in which the eligible pupils are in person at a school building  
28 designated by the eligible district or eligible intermediate  
29 district providing the program. A before-school, after-school, or



1 before-and-after school program that is offered as part of COVID-19  
2 remediation services under this section must provide educational  
3 programming in core subject areas, including, but not limited to,  
4 mathematics, reading, and science. As used in this subsection, "in  
5 person" means physically present.

6 (10) If, in its application for funding under this section, an  
7 eligible district or eligible intermediate district submits the  
8 potential number of eligible pupils that will enroll in its summer  
9 program as described in subsection (4) (b) (i), potential number of  
10 eligible pupils that will enroll in its credit recovery program as  
11 described in subsection (4) (b) (ii), or potential number of eligible  
12 pupils that will enroll in its before-school, after-school, or  
13 before-and-after school program as described in subsection  
14 (4) (b) (iii), as applicable, and the eligible district or eligible  
15 intermediate district receives funding under this section based on  
16 those estimations, by June 15, 2021, the eligible district or  
17 eligible intermediate district shall submit the number of pupils  
18 who actually enrolled in the eligible district's or eligible  
19 intermediate district's summer program, credit recovery program, or  
20 before-school, after-school, or before-and-after school program. If  
21 the eligible district or eligible intermediate district received an  
22 overpayment of funds under this section based on its submitted  
23 estimates of eligible pupils as described in this subsection, as  
24 determined by the department, the eligible district or eligible  
25 intermediate district shall refund the department in the amount of  
26 the overpayment.

27 (11) For purposes of determining which eligible districts and  
28 eligible intermediate districts will receive additional payments as  
29 described in subsection (5) (d), the department's innovation council



1 shall, based on applications submitted under this section,  
2 designate summer programs and credit recovery programs that are  
3 offered as part of COVID-19 remediation services under this section  
4 that, in their applications for funding under this section, request  
5 innovative designation as innovative if it determines those  
6 programs are innovative. A program that is designated as innovative  
7 under this subsection may include, without limitation, 1 or more of  
8 the following:

- 9 (a) Community-based projects.  
10 (b) Integrated kinesthetic or cognitive growth programs.  
11 (c) STEM-based programs.  
12 (d) Outdoor or adventure-based programs.  
13 (e) Any programs that integrate public and private  
14 partnerships.

15 (12) Notwithstanding section 17b and except as otherwise  
16 provided in this subsection, the department shall make payments  
17 under this section on a schedule determined by the department. The  
18 department shall distribute all funding under this section by not  
19 later than May 20, 2021.

20 (13) As used in this section:

21 (a) "Constituent district" means a district that is located in  
22 the geographic boundaries of the intermediate district.

23 (b) "COVID-19 remediation services" means any of the  
24 following:

25 (i) A summer program.

26 (ii) A credit recovery program.

27 (iii) A before-school, after-school, or before-and-after school  
28 program.

29 (c) "Credit recovery program" means an educational program



1 that meets at least all of the following:

2 (i) Is offered to each eligible pupil described in subdivision  
3 (d) (ii) who was enrolled in any of grades 9 to 12 in the 2020-2021  
4 school year.

5 (ii) Is a program that is designed to provide educational  
6 remediation to pupils.

7 (iii) Is offered in person, online, digitally, by other remote  
8 means, in a synchronous or asynchronous format, or through any  
9 combination of these.

10 (iv) Is a program that was developed based on the input of  
11 teachers and that is teacher-led.

12 (d) "Eligible pupil" means a child to whom the following  
13 apply, as applicable:

14 (i) For participation in a summer program offered as part of  
15 COVID-19 remediation services under this section, both of the  
16 following apply:

17 (A) Any of the following apply:

18 (I) If an eligible district that is not a public school  
19 academy is providing the COVID-19 remediation services, the child  
20 resides within the geographic boundaries of the district.

21 (II) If an eligible district that is a public school academy  
22 is providing the COVID-19 remediation services, the child resides  
23 within the geographic boundaries of the intermediate district in  
24 which the district is located.

25 (III) If an eligible intermediate district is providing the  
26 COVID-19 remediation services, the child resides within the  
27 geographic boundaries of the intermediate district.

28 (B) The eligible district or eligible intermediate district  
29 providing the summer program under this section has determined that



1 the child is eligible for enrollment in the eligible district's or  
2 eligible intermediate district's summer program. An eligible  
3 district or eligible intermediate district is encouraged to base  
4 the determination described in this sub-subparagraph on benchmark  
5 assessment data from the benchmark assessment or benchmark  
6 assessments administered to the child under section 104, as  
7 applicable.

8 (ii) For participation in a credit recovery program offered as  
9 part of COVID-19 remediation services under this section, both of  
10 the following apply:

11 (A) In the 2020-2021 school year, the child was enrolled in  
12 the eligible district, eligible intermediate district, or a  
13 constituent district of the eligible intermediate district that  
14 provides the credit recovery program to the child under this  
15 section.

16 (B) Any of the following apply:

17 (I) The child has failed 1 or more credits or courses in the  
18 2020-2021 school year.

19 (II) The child is not on track to graduate from high school,  
20 as determined by the eligible district, eligible intermediate  
21 district, or constituent district of the eligible intermediate  
22 district in which the child was enrolled as described in sub-  
23 subparagraph (A).

24 (III) The eligible district, eligible intermediate district,  
25 or constituent district of the eligible intermediate district in  
26 which the child was enrolled as described in sub-subparagraph (A)  
27 has determined that the child is eligible for enrollment in the  
28 eligible district's or eligible intermediate district's credit  
29 recovery program.



1           (iii) For participation in a before-school, after-school, or  
 2 before-and-after school program offered as part of COVID-19  
 3 remediation services under this section, both of the following  
 4 apply:

5           (A) In the 2020-2021 school year, the child was enrolled in  
 6 any of grades K to 12 in the eligible district, eligible  
 7 intermediate district, or a constituent district of the eligible  
 8 intermediate district that provides the before-school, after-  
 9 school, or before-and-after school program to the child under this  
 10 section.

11           (B) The eligible district, eligible intermediate district, or  
 12 constituent district of the eligible intermediate district in which  
 13 the child was enrolled as described in sub-subparagraph (A) has  
 14 determined that the child is eligible for enrollment in the  
 15 eligible district's or eligible intermediate district's before-  
 16 school, after-school, or before-and-after school program.

17           (e) "Summer program" means an educational program that meets  
 18 at least all of the following:

19           (i) Is offered to each eligible pupil described in subdivision  
 20 (d) (i) who was enrolled in any of grades K to 8 in the 2020-2021  
 21 school year.

22           (ii) Is offered at any point after June 1, 2021 and before  
 23 September 1, 2021.

24           (iii) Is an 8-week program. As used in this subparagraph, "week"  
 25 means a period beginning on Monday and ending on the following  
 26 Friday.

27           (iv) Is provided to eligible pupils described in subdivision  
 28 (d) (i) in a manner in which the eligible pupils are in person at a  
 29 school building designated by the eligible district or eligible





1 intermediate district providing the program. As used in this  
2 subparagraph, "in person" means physically present.

3 (v) Is a program that was developed based on the input of  
4 teachers and that is teacher-led.

5 (vi) Includes programming in core subject areas, including, but  
6 not limited to, mathematics, reading, and science.

7 Sec. 23c. (1) From the state school aid fund money  
8 appropriated under section 11, there is allocated an amount not to  
9 exceed \$21,309,900.00 for 2020-2021 for payments to eligible  
10 districts or eligible intermediate districts described in  
11 subsection (3) to be used in the manner described in subsection  
12 (4).

13 (2) To receive funding under this section, a district or  
14 intermediate district must apply for the funding in a form and  
15 manner prescribed by the department.

16 (3) A district or intermediate district that meets all of the  
17 following is an eligible district or eligible intermediate district  
18 under this section:

19 (a) The district or intermediate district is providing a  
20 summer program, credit recovery program, or both of these programs,  
21 as part of COVID-19 remediation services under section 23b.

22 (b) The district or intermediate district agrees to pay each  
23 eligible teacher and eligible support staff member the payment  
24 described in subsection (3) by not later than 30 days after  
25 receiving the disbursement of funds under this section from the  
26 department.

27 (c) In its application for funding under this section, the  
28 district or intermediate district includes the number of eligible  
29 teachers and eligible support staff members it intends to provide a



1 payment to under subsection (4).

2 (4) An eligible district or eligible intermediate district  
3 that receives funding under this section shall only use that  
4 funding as follows:

5 (a) To provide a payment of \$1,000.00 to each eligible  
6 teacher.

7 (b) To provide a payment of \$250.00 to each eligible support  
8 staff member.

9 (5) An eligible teacher or eligible support staff member must  
10 not receive more than 1 payment under subsection (4). An eligible  
11 teacher or eligible support staff member who is assigned to teach  
12 in or assigned to provide his or her services for both a summer  
13 program and credit recovery program that is offered as part of  
14 COVID-19 remediation services under section 23b is subject to this  
15 subsection and must only receive 1 payment under subsection (4).

16 (6) If funds allocated under this section are insufficient to  
17 fully fund calculations under this section, the department shall  
18 apply proration in equal proportion to the amount the eligible  
19 district or eligible intermediate district would have received  
20 under this section for eligible teachers and eligible support staff  
21 members but for the application of proration under this subsection.

22 (7) Notwithstanding section 17b, the department shall make  
23 payments under this section on a schedule determined by the  
24 department.

25 (8) As used in this section:

26 (a) "Eligible support staff member" means an individual to  
27 whom both of the following apply:

28 (i) The individual is employed by or assigned to work at the  
29 eligible district or eligible intermediate district described in



1 subsection (3).

2 (ii) The individual is assigned to provide his or her services  
3 as part of a summer program, credit recovery program, or both  
4 offered as part of COVID-19 remediation services described in  
5 section 23b.

6 (b) "Eligible teacher" means an individual to whom both of the  
7 following apply:

8 (i) The individual holds a valid Michigan teaching certificate  
9 or is otherwise permitted to teach in the public schools of this  
10 state under law.

11 (ii) The individual is employed by or assigned to work at the  
12 eligible district or eligible intermediate district described in  
13 subsection (3).

14 (iii) The individual is assigned to teach in a summer program,  
15 credit recovery program, or both offered as part of COVID-19  
16 remediation services described in section 23b.

17 Sec. 23d. (1) From the federal funding allocated under section  
18 11n awarded to this state from the governor's emergency education  
19 relief (GEER) fund under the coronavirus response and relief  
20 supplemental appropriations act, 2021, division M of Public Law  
21 116-260, there is allocated for 2020-2021 an amount not to exceed  
22 \$5,853,000.00 for the purposes of this section. The department  
23 shall establish a grant program to distribute this funding to  
24 eligible parents and eligible legal guardians described in  
25 subsection (3).

26 (2) Except as otherwise provided in this subsection, to  
27 receive funding under this section, an eligible parent or eligible  
28 legal guardian must apply for the funding in a form and manner  
29 prescribed by the department. An application for funding under this



1 section must be submitted to the department by not later than  
2 September 1, 2021.

3 (3) A parent or legal guardian to whom all of the following  
4 apply is an eligible parent or eligible legal guardian under this  
5 section:

6 (a) The child of the parent or legal guardian is enrolled in  
7 summer programming in 2021.

8 (b) The child described in subdivision (a) is at least age 5  
9 but not older than age 18.

10 (c) In his or her application for funding under this section,  
11 the parent or legal guardian provides proof that the child  
12 described in subdivision (a) is enrolled in summer programming. As  
13 used in this subdivision, "proof" means sufficient documentation as  
14 determined by the department.

15 (d) If the parent or legal guardian is seeking reimbursement  
16 for expenses incurred in relation to providing summer programming  
17 for his or her child as described in subdivision (a), in his or her  
18 application for funding under this section, the parent or legal  
19 guardian describes those expenses.

20 (4) From the funding allocated under subsection (1), the  
21 department shall provide payments to each eligible parent or  
22 eligible legal guardian as follows:

23 (a) An amount equal to \$50.00 for each child enrolled in  
24 summer programming as described in subsection (3) (a).

25 (b) An amount equal to the cost of the expenses submitted in  
26 the application for funding under this section as described in  
27 subsection (3) (d), but not exceeding \$200.00, for each child for  
28 whom the eligible parent or eligible legal guardian has incurred  
29 expenses.



1 (5) The department shall make all payments to an eligible  
 2 parent or eligible legal guardian under this section by not later  
 3 than 29 days after an application for funding under this section is  
 4 received.

5 (6) If funds allocated under this section are insufficient to  
 6 fully fund calculations under this section, the department shall  
 7 apply proration in equal proportion to the amount the eligible  
 8 parent or eligible legal guardian would have received under this  
 9 section but for the application of proration under this subsection.

10 (7) As used in this section, "summer programming" means an  
 11 educational enrichment program, including, but not limited to, a  
 12 summer program or credit recovery program offered as part of COVID-  
 13 19 remediation services under section 23b, a program that  
 14 incorporates extracurricular activities, or any other educational  
 15 program that is provided in person, online, digitally, by other  
 16 remote means, in a synchronous or asynchronous format, or through  
 17 any combination of these.

18 Sec. 31n. (1) ~~From the state school aid fund money~~  
 19 ~~appropriated in section 11, there is allocated for 2019-2020 for~~  
 20 ~~the purposes of this section an amount not to exceed \$30,000,000.00~~  
 21 ~~and from the general fund money appropriated in section 11, there~~  
 22 ~~is allocated for 2019-2020 for the purposes of this section an~~  
 23 ~~amount not to exceed \$1,300,000.00.~~ From the state school aid fund  
 24 money appropriated in section 11, there is allocated for 2020-2021  
 25 for the purposes of this section an amount not to exceed  
 26 ~~\$35,600,000.00~~ **\$55,600,000.00** and from the general fund money  
 27 appropriated in section 11, there is allocated for 2020-2021 for  
 28 the purposes of this section an amount not to exceed \$1,300,000.00.  
 29 The department and the department of health and human services



1 shall continue a program to distribute this funding to add licensed  
2 behavioral health providers for general education pupils, and shall  
3 continue to seek federal Medicaid match funding for all eligible  
4 mental health and support services.

5 (2) The department and the department of health and human  
6 services shall maintain an advisory council for programs funded  
7 under this section. The advisory council shall define goals for  
8 implementation of programs funded under this section, and shall  
9 provide feedback on that implementation. At a minimum, the advisory  
10 council shall consist of representatives of state associations  
11 representing school health, school mental health, school  
12 counseling, education, health care, and other organizations,  
13 representatives from the department and the department of health  
14 and human services, and a representative from the school safety  
15 task force created under Executive Order No. 2018-5. The department  
16 and department of health and human services, working with the  
17 advisory council, shall determine an approach to increase capacity  
18 for mental health and support services in schools for general  
19 education pupils, and shall determine where that increase in  
20 capacity qualifies for federal Medicaid match funding.

21 (3) The advisory council shall develop a fiduciary agent  
22 checklist for intermediate districts to facilitate development of a  
23 plan to submit to the department and to the department of health  
24 and human services. The department and department of health and  
25 human services shall determine the requirements and format for  
26 intermediate districts to submit a plan for possible funding under  
27 subsection (5). The department shall make applications for funding  
28 for this program available to districts and intermediate districts  
29 not later than ~~December 1, 2019, for the 2019-2020 fiscal year and~~



1 December 1, 2020 for the 2020-2021 fiscal year and shall award the  
 2 funding not later than ~~February 1, 2020 for the 2019-2020 fiscal~~  
 3 ~~year and~~ February 1, 2021 for the 2020-2021 fiscal year.

4 (4) The department of health and human services shall seek to  
 5 amend the state Medicaid plan or obtain appropriate Medicaid  
 6 waivers as necessary for the purpose of generating additional  
 7 Medicaid match funding for school mental health and support  
 8 services for general education pupils. The intent is that a  
 9 successful state plan amendment or other Medicaid match mechanisms  
 10 will result in additional federal Medicaid match funding for both  
 11 the new funding allocated under this section and for any expenses  
 12 already incurred by districts and intermediate districts for mental  
 13 health and support services for general education pupils.

14 (5) From the state school aid fund money allocated under  
 15 subsection (1), ~~there is allocated for 2019-2020 an amount not to~~  
 16 ~~exceed \$6,500,000.00 and there is allocated for 2020-2021 an amount~~  
 17 not to exceed \$9,300,000.00 to be distributed to the network of  
 18 child and adolescent health centers to place a licensed master's  
 19 level behavioral health provider in schools that do not currently  
 20 have services available to general education students. Child and  
 21 adolescent health centers that are part of the network described in  
 22 this subsection shall provide a commitment to maintain services and  
 23 implement all available federal Medicaid match methodologies. The  
 24 department of health and human services shall use all existing or  
 25 additional federal Medicaid match opportunities to maximize funding  
 26 allocated under this subsection. The department shall provide funds  
 27 under this subsection to child and adolescent health centers that  
 28 are part of the network described in this subsection in the same  
 29 proportion that funding under section 31a(7) is provided to child



1 and adolescent health centers that are part of the network  
 2 described in this subsection and that are located and operating in  
 3 those districts. A payment from funding allocated under this  
 4 subsection must not be paid to an entity that is not part of the  
 5 network described in this subsection.

6 (6) From the state school aid fund money allocated under  
 7 subsection (1), ~~there is allocated for 2019-2020 an amount not to~~  
 8 ~~exceed \$23,000,000.00 and there is allocated for 2020-2021 an~~  
 9 amount not to exceed ~~\$25,800,000.00~~ **\$45,800,000.00** to be  
 10 distributed to intermediate districts for the provision of mental  
 11 health and support services to general education students. From the  
 12 funds allocated under this subsection, the department shall  
 13 distribute ~~\$410,700.00 for 2019-2020 and \$460,700.00~~ **\$817,800.00**  
 14 for 2020-2021 to each intermediate district that submits a plan  
 15 approved by the department and the department of health and human  
 16 services. The department and department of health and human  
 17 services shall work cooperatively in providing oversight and  
 18 assistance to intermediate districts during the plan submission  
 19 process and shall monitor the program upon implementation. An  
 20 intermediate district shall use funds awarded under this subsection  
 21 to provide funding to its constituent districts, including public  
 22 school academies that are considered to be constituent districts  
 23 under section 705(7) of the revised school code, MCL 380.705, for  
 24 the provision of mental health and support services to general  
 25 education students. In addition to the criteria identified under  
 26 subsection (7), an intermediate district shall consider geography,  
 27 cost, or other challenges when awarding funding to its constituent  
 28 districts. **For 2020-2021 only, even if grants under this subsection**  
 29 **have already been received by constituent districts of an**





1 intermediate district under this subsection, the intermediate  
2 district may award additional grants to its constituent districts  
3 from funding allocated through the amendatory act that added this  
4 sentence, based on applications as described in subsection (7) that  
5 have already been submitted for the fiscal year, and, if a  
6 constituent district did not apply for initial grants as described  
7 in subsection (7) before the effective date of the amendatory act  
8 that added this sentence and asks to apply for the additional  
9 grants described in this sentence, the intermediate district must  
10 allow the constituent district to submit an application for the  
11 additional grant funding. If funding awarded to an intermediate  
12 district remains after funds are provided by the intermediate  
13 district to its constituent districts, the intermediate district  
14 may hire or contract for experts to provide mental health and  
15 support services to general education students residing within the  
16 boundaries of the intermediate district, including, but not limited  
17 to, expanding, hiring, or contracting for staff and experts to  
18 provide those services directly or to increase access to those  
19 services through coordination with outside mental health agencies.

20 (7) A district requesting funds under this section from the  
21 intermediate district in which it is located shall submit an  
22 application for funding for the provision of mental health and  
23 support services to general education pupils. A district receiving  
24 funding from the application process described in this subsection  
25 shall provide services to nonpublic students upon request. An  
26 intermediate district shall not discriminate against an application  
27 submitted by a public school academy simply on the basis of the  
28 applicant being a public school academy. The department shall  
29 approve grant applications based on the following criteria:



1 (a) The district's commitment to maintain mental health and  
2 support services delivered by licensed providers into future fiscal  
3 years.

4 (b) The district's commitment to work with its intermediate  
5 district to use funding it receives under this section that is  
6 spent by the district for general education pupils toward  
7 participation in federal Medicaid match methodologies. A district  
8 must provide a local match of at least 20% of the funding allocated  
9 to the district under section 31n.

10 (c) The district's commitment to adhere to any local funding  
11 requirements determined by the department and the department of  
12 health and human services.

13 (d) The extent of the district's existing partnerships with  
14 community health care providers or the ability of the district to  
15 establish such partnerships.

16 (e) The district's documentation of need, including gaps in  
17 current mental health and support services for the general  
18 education population.

19 (f) The district's submission of a formal plan of action  
20 identifying the number of schools and students to be served.

21 (g) Whether the district will participate in ongoing  
22 trainings.

23 (h) Whether the district will submit an annual report to the  
24 state.

25 (i) Whether the district demonstrates a willingness to work  
26 with the state to establish program and service delivery  
27 benchmarks.

28 (j) Whether the district has developed a school safety plan or  
29 is in the process of developing a school safety plan.



1 (k) Any other requirements determined by the department or the  
2 department of health and human services.

3 (8) Funding under this section, including any federal Medicaid  
4 funds that are generated, must not be used to supplant existing  
5 services.

6 (9) Both of the following are allocated to the department of  
7 health and human services from the general fund money allocated  
8 under subsection (1):

9 (a) For ~~2019-2020, an amount not to exceed \$1,000,000.00 and~~  
10 ~~for~~ 2020-2021, an amount not to exceed \$1,000,000.00 for the  
11 purpose of upgrading technology and systems infrastructure and  
12 other administrative requirements to support the programs funded  
13 under this section.

14 (b) For ~~2019-2020, an amount not to exceed \$300,000.00 and for~~  
15 2020-2021, an amount not to exceed \$300,000.00 for the purpose of  
16 administering the programs under this section and working on  
17 generating additional Medicaid funds as a result of programs funded  
18 under this section.

19 (10) From the state school aid fund money allocated under  
20 subsection (1), ~~there is allocated for 2019-2020 an amount not to~~  
21 ~~exceed \$500,000.00 and~~ there is allocated for 2020-2021 an amount  
22 not to exceed \$500,000.00 to intermediate districts on an equal per  
23 intermediate district basis for the purpose of administering  
24 programs funded under this section.

25 (11) The department and the department of health and human  
26 services shall work with the advisory council to develop proposed  
27 measurements of outcomes and performance. Those measurements must  
28 include, at a minimum, the number of pupils served, the number of  
29 schools served, and where those pupils and schools were located.



1 The department and the department of health and human services  
 2 shall compile data necessary to measure outcomes and performance,  
 3 and districts and intermediate districts receiving funding under  
 4 this section shall provide data requested by the department and  
 5 department of health and human services for the measurement of  
 6 outcomes and performance. The department and department of health  
 7 and human services shall provide an annual report not later than  
 8 December 1 of each year to the house and senate appropriations  
 9 subcommittees on state school aid and health and human services, to  
 10 the house and senate fiscal agencies, and to the state budget  
 11 director. At a minimum, the report must include measurements of  
 12 outcomes and performance, proposals to increase efficacy and  
 13 usefulness, proposals to increase performance, and proposals to  
 14 expand coverage.

15 (12) Beginning with 2018-2019, a district or intermediate  
 16 district that receives funding directly or indirectly under this  
 17 section may carry over any unexpended funds received under this  
 18 section for up to 2 fiscal years beyond the fiscal year in which  
 19 the funds were received.

20 **Sec. 104a. (1) From the state school aid fund money**  
 21 **appropriated in section 11, there is allocated for 2020-2021 an**  
 22 **amount not to exceed \$11,719,200.00 to districts to begin**  
 23 **implementation of a benchmark assessment system for the 2021-2022**  
 24 **school year. All of the following apply to the benchmark assessment**  
 25 **system described in this subsection:**

26 (a) The system must provide for all of the following:

27 (i) That, within the first 9 weeks of the 2021-2022 school  
 28 year, the district shall administer 1 or more benchmark assessments  
 29 provided by a provider approved under section 104(9), benchmark



1 assessments described in subdivision (b), or local benchmark  
2 assessments, or any combination thereof, to all pupils in grades K  
3 to 8 to measure proficiency in reading and mathematics.

4 (ii) That, in addition to the benchmark assessment or benchmark  
5 assessments administered under subparagraph (i), by not later than  
6 the last day of the 2021-2022 school year, the district shall  
7 administer 1 or more benchmark assessments provided by a provider  
8 approved under section 104(9), benchmark assessments described in  
9 subdivision (b), or local benchmark assessments, or any combination  
10 thereof, to all pupils in grades K to 8 to measure proficiency in  
11 reading and mathematics.

12 (b) A district may administer 1 or more of the following  
13 benchmark assessments toward meeting the requirements under  
14 subdivision (a):

15 (i) A benchmark assessment in reading for students in grades K  
16 to 9 that contains progress monitoring tools and enhanced  
17 diagnostic assessments.

18 (ii) A benchmark assessment in math for students in grades K to  
19 8 that contains progress monitoring tools.

20 (c) The system must provide that, to the extent practicable,  
21 if a district administers a benchmark assessment or benchmark  
22 assessments under this section, the district shall administer the  
23 same benchmark assessment or benchmark assessments provided by a  
24 provider approved under section 104(9), benchmark assessment or  
25 benchmark assessments described in subdivision (b), or local  
26 benchmark assessment or local benchmark assessments that it  
27 administered to pupils in previous school years, as applicable.

28 (d) The system must provide that, if a district administers a  
29 benchmark assessment or benchmark assessments under this section,



1 the district shall provide each pupil's data from the benchmark  
2 assessment or benchmark assessments, as available, to the pupil's  
3 parent or legal guardian within 30 days of administering the  
4 benchmark assessment or benchmark assessments.

5 (e) The system must provide that, if a local benchmark  
6 assessment or local benchmark assessments are administered under  
7 subdivision (a), the district shall report to the department and  
8 the center, in a form and manner prescribed by the center, the  
9 local benchmark assessment or local benchmark assessments that were  
10 administered and how that assessment or those assessments measure  
11 changes, including any losses, as applicable, in learning, and the  
12 district's plan for addressing any losses in learning.

13 (f) The system must provide that, by not later than 30 days  
14 after a benchmark assessment or benchmark assessments are  
15 administered as described in this subsection, the district shall  
16 send benchmark assessment data, excluding data from a local  
17 benchmark assessment, as applicable, aggregated by grade level to  
18 the department. If available, the data described in this  
19 subdivision must include information concerning pupil growth from  
20 fall 2020 to fall 2021.

21 (2) To receive funding under this section, a district must  
22 apply for the funding in a form and manner prescribed by the  
23 department.

24 (3) The department shall pay an amount equal to \$12.50 per  
25 membership pupil in grades K to 8 in the district to each district  
26 that applies for funding under this section.

27 (4) The department shall make 1 of the benchmark assessments  
28 provided by a provider approved under section 104(9) available to  
29 districts at no cost to the districts for purposes of meeting the



1 requirements under this section. The benchmark assessment described  
2 in this subsection must meet all of the following:

3 (a) Be aligned to the content standards of this state.

4 (b) Complement the state's summative assessment system.

5 (c) Be internet-delivered and include a standards-based  
6 assessment.

7 (d) Provide information on pupil achievement with regard to  
8 learning content required in a given year or grade span.

9 (e) Provide timely feedback to pupils and teachers.

10 (f) Be nationally normed.

11 (g) Provide information to educators about student growth and  
12 allow for multiple testing opportunities.

13 (5) By not later than December 31, 2021, the department shall  
14 submit a report to the house and senate appropriations committees,  
15 the house and senate appropriations subcommittees on school aid,  
16 and the house and senate fiscal agencies regarding the benchmark  
17 assessment data received under this section, disaggregated by grade  
18 level for each district. If information concerning pupil growth is  
19 included in the data described in this subsection, it must be  
20 incorporated in the report described in this subsection.

21 Sec. 167. (1) The department in cooperation with the  
22 department of ~~community health~~ **and human services** shall develop  
23 plans to assist districts, intermediate districts, and local county  
24 health departments to comply with section 1177 of the revised  
25 school code, MCL 380.1177, and section 9209 of the public health  
26 code, 1978 PA 368, MCL 333.9209, for each school year.

27 (2) Each district or intermediate district shall report to the  
28 local health department in which it is located by November 1 of  
29 each fiscal year, in a manner prescribed by the department of



1 ~~community~~ health **and human services**, the immunization status of  
 2 each pupil in grades K through 12 who enrolled in the district or  
 3 intermediate district for the first time or ~~, beginning in 2014-~~  
 4 ~~2015,~~ who enrolled in grade 7 in the district or intermediate  
 5 district for the first time, between January 1 and September 30 of  
 6 the immediately preceding fiscal year. Not later than December 31  
 7 of each fiscal year, the department of ~~community~~ health **and human**  
 8 **services** shall notify the department by district or intermediate  
 9 district of the percentage of entering pupils and ~~, beginning in~~  
 10 ~~2014-2015,~~ of pupils who enrolled in grade 7 for the first time who  
 11 do not have a completed, waived, or provisional immunization record  
 12 in accordance with section 1177 of the revised school code, MCL  
 13 380.1177. If a district or intermediate district does not have a  
 14 completed, waived, or provisional immunization record in accordance  
 15 with section 1177 of the revised school code, MCL 380.1177, for at  
 16 least 90% of the district's or intermediate district's entering  
 17 pupils, as recorded in the November 1 reports required under this  
 18 subsection, the district or intermediate district is subject to  
 19 subsection (4) until the district or intermediate district has such  
 20 an immunization record for at least 90% of its pupils who enrolled  
 21 in the district or intermediate district for the first time.

22 (3) Each district or intermediate district shall again report  
 23 to the local health department in which it is located by February 1  
 24 of each fiscal year, in a manner prescribed by the department of  
 25 ~~community~~ health **and human services**, the immunization status of  
 26 each pupil in grades K through 12 who enrolled in the district or  
 27 intermediate district for the first time or ~~, beginning in 2014-~~  
 28 ~~2015,~~ who enrolled in grade 7 in the district or intermediate  
 29 district for the first time, between January 1 of the immediately





1 preceding fiscal year and December 31 of the current fiscal year.  
2 Not later than March 31 of each fiscal year, the department of  
3 ~~community health~~ **and human services** shall notify the department by  
4 district or intermediate district of the percentage of entering  
5 pupils and ~~, beginning in 2014-2015,~~ of pupils who enrolled in  
6 grade 7 for the first time who do not have a completed, waived, or  
7 provisional immunization record in accordance with section 1177 of  
8 the revised school code, MCL 380.1177. If a district or  
9 intermediate district does not have a completed, waived, or  
10 provisional immunization record in accordance with section 1177 of  
11 the revised school code, MCL 380.1177, for at least 95% of the  
12 district's or intermediate district's entering pupils, as recorded  
13 in the February 1 reports required under this subsection, the  
14 district or intermediate district is subject to subsection (4)  
15 until the district or intermediate district has such an  
16 immunization record for at least 95% of its pupils who enrolled in  
17 the district or intermediate district for the first time. If the  
18 department of ~~community health~~ **and human services** is not able to  
19 report to the department by March 31 because a district or  
20 intermediate district fails to submit a report as required in this  
21 subsection, or submits an incomplete, inaccurate, or late report,  
22 the district or intermediate district is subject to subsection (4)  
23 until the report is submitted in a complete and accurate form.

24 (4) ~~If~~ **Except as otherwise provided in this subsection, if** a  
25 district or intermediate district does not comply with this  
26 section, the department shall withhold 5% of the total funds due to  
27 the district or intermediate district under this act after the date  
28 the department of ~~community health~~ **and human services** reports a  
29 district's or intermediate district's noncompliance with this



1 section to the department until the district or intermediate  
2 district complies with this section. ~~If~~ **Except as otherwise**  
3 **provided in this subsection, if** the district or intermediate  
4 district does not comply with this section by the end of the fiscal  
5 year, the district or intermediate district forfeits the total  
6 amount withheld. **For the 2020-2021 fiscal year only, this**  
7 **subsection does not apply.**

8 Enacting section 1. In accordance with section 30 of article  
9 IX of the state constitution of 1963, total state spending on  
10 school aid under article I of the state school aid act of 1979,  
11 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 147,  
12 2020 PA 148, 2020 PA 149, 2020 PA 165, and this amendatory act,  
13 from state sources for fiscal year 2020-2021 is estimated at  
14 \$14,031,771,000.00 and state appropriations for school aid to be  
15 paid to local units of government for fiscal year 2020-2021 are  
16 estimated at \$13,859,773,900.00.

