

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senator Stamas

ENROLLED SENATE BILL No. 29

AN ACT to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 11, 11n, 31d, and 31f (MCL 388.1611, 388.1611n, 388.1631d, and 388.1631f), section 11 as amended and section 11n as added by 2021 PA 3 and sections 31d and 31f as amended by 2020 PA 165, and by adding sections 11o and 23d.

The People of the State of Michigan enact:

Sec. 11. (1) For the fiscal year ending September 30, 2020, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of \$12,837,526,800.00 from the state school aid fund, the sum of \$104,660,000.00 from the general fund, an amount not to exceed \$75,900,000.00 from the community district education trust fund created under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262, an amount not to exceed \$9,717,800.00 from the talent investment fund created under section 8a of the higher education loan authority act, 1975 PA 222, MCL 390.1158a, an amount not to exceed \$31,900,000.00 from the MPSERS retirement obligation reform reserve fund, and an amount not to exceed \$100.00 from the water emergency reserve fund. For the fiscal year ending September 30, 2021, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of \$13,759,819,500.00 from the state school aid fund, the sum of \$50,964,600.00 from the general fund, an amount not to exceed \$77,700,000.00 from the community district education trust fund created under section 12 of the Michigan trust

fund act, 2000 PA 489, MCL 12.262, and an amount not to exceed \$100.00 from the water emergency reserve fund. In addition, all available federal funds are only appropriated as allocated in this article for the fiscal years ending September 30, 2020 and September 30, 2021.

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

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

Sec. 11n. From the federal fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed \$125,658,900.00 from the federal funding awarded to this state from the governor's emergency education relief (GEER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, and there is allocated for 2020-2021 an amount not to exceed \$810,082,300.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260.

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

Sec. 23d. (1) From the federal funding allocated under section 11n awarded to this state from the governor's emergency education relief (GEER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed \$10,000,000.00 for the purposes of this section. The department shall establish a grant program to distribute this funding to eligible parents and eligible legal guardians described in subsection (3).

(2) Except as otherwise provided in this subsection, to receive funding under this section, an eligible parent or eligible legal guardian must apply for the funding in a form and manner prescribed by the department. An application for funding under this section must be submitted to the department by not later than September 1, 2021.

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

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

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

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

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

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

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

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

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

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

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

Sec. 31d. (1) From the appropriations in section 11, there is allocated an amount not to exceed \$23,800,000.00 for 2019-2020 and an amount not to exceed \$23,144,000.00 for 2020-2021 for the purpose of making payments to districts and other eligible entities under this section.

(2) The amounts allocated from state sources under this section are used to pay the amount necessary to reimburse districts for 6.0127% of the necessary costs of the state mandated portion of lunch programs provided by those districts. The department shall calculate the amount due to each district under this section using the methods of calculation adopted by the Michigan supreme court in the consolidated cases known as *Durant v State of Michigan*, 456 Mich 175 (1997).

(3) The payments made under this section include all state payments made to districts so that each district receives at least 6.0127% of the necessary costs of operating the state mandated portion of the lunch program in a fiscal year.

(4) The payments made under this section to districts and other eligible entities that are not required under section 1272a of the revised school code, MCL 380.1272a, to provide a lunch program must, except for in 2020-2021, be in an amount not to exceed \$10.00 per eligible pupil plus 5 cents for each free lunch and 2 cents for each reduced price lunch provided, as determined by the department. For 2020-2021 only, the amount described in this subsection is not to exceed \$10.00 per eligible pupil plus 5 cents for each lunch provided, as determined by the department.

(5) From the federal funds appropriated in section 11, there is allocated for 2019-2020 all available federal funding, estimated at \$533,000,000.00 for the national school lunch program and all available federal funding, estimated at \$4,200,000.00 for the emergency food assistance program. From the federal funds appropriated in section 11, there is allocated for 2020-2021 all available federal funding, estimated at \$545,000,000.00 for child nutrition programs and all available federal funding, estimated at \$5,000,000.00 for food distribution programs.

(6) Notwithstanding section 17b, the department shall make payments to eligible entities other than districts under this section on a schedule determined by the department.

(7) In purchasing food for a lunch program funded under this section, a district or other eligible entity shall give preference to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

Sec. 31f. (1) From the appropriations in section 11, there is allocated an amount not to exceed \$11,900,000.00 for 2019-2020 and an amount not to exceed \$4,500,000.00 for 2020-2021 for the purpose of making payments to districts to reimburse for the cost of providing breakfast.

(2) The funds allocated under this section for school breakfast programs are made available to all eligible applicant districts that meet all of the following criteria:

(a) The district participates in the federal school breakfast program and meets all standards as prescribed by 7 CFR parts 210, 220, 225, 226, and 245.

(b) Each breakfast eligible for payment meets the federal standards described in subdivision (a).

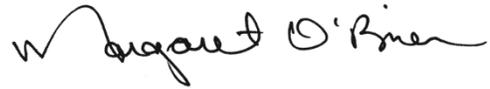
(3) The payment for a district under this section is at a per meal rate equal to the lesser of the district’s actual cost or 100% of the statewide average cost of a meal served, as determined and approved by the department, less federal reimbursement, participant payments, and other state reimbursement. The department shall determine the statewide average cost using costs as reported in a manner approved by the department for the preceding school year.

(4) Notwithstanding section 17b, the department may make payments under this section pursuant to an agreement with the department.

(5) In purchasing food for a school breakfast program funded under this section, a district shall give preference to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2019 PA 58, 2019 PA 162, 2020 PA 146, 2020 PA 147, 2020 PA 148, 2020 PA 149, 2020 PA 165,

and this amendatory act, from state sources for fiscal year 2019-2020 is estimated at \$13,059,704,700.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at \$12,853,634,900.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 165, 2021 PA 3, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at \$13,888,484,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at \$13,716,487,100.00.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor