388.1631a Allocations to eligible districts and eligible public school academies; proficiencies; funding eligibility; early literacy and numeracy; multi-tiered system of supports; weighted foundation per-pupil payment for economically disadvantaged pupils; school breakfast program; primary health care services; hearing and vision screenings; report; audit; implementation of schoolwide reform in schools with at-risk pupils; research-based professional development; instructional or behavioral coaches; prorated payments; dissolved district; anti-bullying or crisis intervention program; assignment of Pathways to Potential Success coaches; definitions.

Sec. 31a. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2019-2020 an amount not to exceed $535,150,000.00 for payments to eligible districts and eligible public school academies for the purposes of ensuring that pupils are proficient in English language arts by the end of grade 3, that pupils are proficient in mathematics by the end of grade 8, that pupils are attending school regularly, that high school graduates are career and college ready, and for the purposes under subsections (7) and (8).

(2) For a district that has combined state and local revenue per membership pupil under section 20 that is greater than the target foundation allowance under section 20 for the current fiscal year and that, for the immediately preceding fiscal year, had combined state and local revenue per membership pupil under section 20 that was greater than the basic foundation allowance under section 20 that was in effect for the 2018-2019 fiscal year, the allocation under this section is an amount equal to 30% of the allocation for which it would otherwise be eligible under this section before any proration under subsection (14). If a district has combined state and local revenue per membership pupil under section 20 that is greater than the target foundation allowance under section 20 for the current fiscal year, but for the immediately preceding fiscal year had combined state and local revenue per membership pupil under section 20 that was less than the basic foundation allowance under section 20 that was in effect for the 2018-2019 fiscal year, the district shall receive an amount per pupil equal to 11.5% of the statewide weighted average foundation allowance, as applied under subsection (4), and before any proration under subsection (14).

(3) For a district or public school academy to be eligible to receive funding under this section, other than funding under subsection (7) or (8), the district or public school academy, for grades K to 12, shall comply with the requirements under section 1280f of the revised school code, MCL 380.1280f, and shall use resources to address early literacy and numeracy, and for at least grades K to 12 or, if the district or public school academy does not operate all of grades K to 12, for all of the grades it operates, must implement a multi-tiered system of supports that is an evidence based framework that uses data driven problem solving to integrate academic and behavioral instruction and that uses intervention delivered to all pupils in varying intensities based on pupil needs. The multi-tiered system of supports described in this subsection must provide at least all of the following essential components:

(a) Team-based leadership.
(b) A tiered delivery system.
(c) Selection and implementation of instruction, interventions, and supports.
(d) A comprehensive screening and assessment system.
(e) Continuous data-based decision making.

(4) From the funds allocated under subsection (1), there is allocated for 2019-2020 an amount not to exceed $510,000,000.00 to continue a weighted foundation per pupil payment for districts and public school academies enrolling economically disadvantaged pupils. The department shall pay under this section to each eligible district or eligible public school academy an amount per pupil equal to 11.5% of the statewide weighted average foundation allowance for the following, as applicable:

(a) Except as otherwise provided under subdivision (b) or (c), the greater of the following:
(i) The number of membership pupils in the district or public school academy who are determined to be economically disadvantaged, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the immediately preceding fiscal year.
(ii) If the district or public school academy is in the community eligibility program, the number of pupils determined to be eligible based on the product of the identified student percentage multiplied by the total number of membership pupils in the district or public school academy, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the immediately preceding fiscal year. This subparagraph only applies to an eligible district or eligible
department shall ensure that districts are allowed to expend funds received under this section on any activities
for the temporary assistance for needy families program. In prescribing the form and manner of the report, the
data necessary for the department and the department of health and human services to verify matching funds
programs or services, the total number of at risk pupils served by each of those programs or services, and the
includes a brief description of each program conducted or services performed by the district or public school
department by July 15 of each fiscal year a report, in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the current fiscal year.

(b) If the district or public school academy began operations as a district or public school academy after the
pupil membership count day of the immediately preceding school year, the number of membership pupils in
the district or public school academy who are determined to be economically disadvantaged, as reported to the
center in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil
membership count day of the current fiscal year.

(c) If the district or public school academy began operations as a district or public school academy after the
pupil membership count day of the current fiscal year, the number of membership pupils in the district or public school academy who are determined to be economically disadvantaged, as reported to the center in the
form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the current fiscal year.

(5) Except as otherwise provided in this section, a district or public school academy receiving funding
under this section shall use that money only to provide instructional programs and direct noninstructional
services, including, but not limited to, medical, mental health, or counseling services, for at-risk pupils; for
school health clinics; and for the purposes of subsection (6), (7), or (8). In addition, a district that is a school
district of the first class or a district or public school academy in which at least 50% of the pupils in
membership were determined to be economically disadvantaged in the immediately preceding state fiscal
year, as determined and reported as described in subsection (4), may use not more than 20% of the funds it
receives under this section for school security that aligns to the needs assessment and the multi-tiered system
of supports model. A district or public school academy shall not use any of that money for administrative
costs. The instruction or direct noninstructional services provided under this section may be conducted before
or after regular school hours or by adding extra school days to the school year.

(6) A district or public school academy that receives funds under this section and that operates a school
breakfast program under section 1272a of the revised school code, MCL 380.1272a, shall use from the funds
received under this section an amount, not to exceed $10.00 per pupil for whom the district or public school
academy receives funds under this section, necessary to pay for costs associated with the operation of the
school breakfast program.

(7) From the funds allocated under subsection (1), there is allocated for 2019-2020 an amount not to
exceed $8,000,000.00 to support primary health care services provided to children and adolescents up to age
21. These funds must be expended in a form and manner determined jointly by the department and the
department of health and human services. If any funds allocated under this subsection are not used for the
purposes of this subsection for the fiscal year in which they are allocated, those unused funds must be used
that fiscal year to avoid or minimize any proration that would otherwise be required under subsection (14) for
that fiscal year.

(8) From the funds allocated under subsection (1), there is allocated for 2019-2020 an amount not to
exceed $5,150,000.00 for the state portion of the hearing and vision screenings as described in section 9301 of
the public health code, 1978 PA 368, MCL 333.9301. A local public health department shall pay at least 50%
of the total cost of the screenings. The frequency of the screenings must be as required under R 325.13091 to
R 325.13096 and R 325.3271 to R 325.3276 of the Michigan Administrative Code. Funds must be awarded in
a form and manner approved jointly by the department and the department of health and human services.
Notwithstanding section 17b, the department shall make payments to eligible entities under this subsection on
a schedule determined by the department.

(9) Each district or public school academy receiving funds under this section shall submit to the
department by July 15 of each fiscal year a report, in the form and manner prescribed by the department, that
includes a brief description of each program conducted or services performed by the district or public school
academy using funds under this section, the amount of funds under this section allocated to each of those
programs or services, the total number of at risk pupils served by each of those programs or services, and the
data necessary for the department and the department of health and human services to verify matching funds
for the temporary assistance for needy families program. In prescribing the form and manner of the report, the
department shall ensure that districts are allowed to expend funds received under this section on any activities.
that are permissible under this section. If a district or public school academy does not comply with this subsection, the department shall withhold an amount equal to the August payment due under this section until the district or public school academy complies with this subsection. If the district or public school academy does not comply with this subsection by the end of the fiscal year, the withheld funds are forfeited to the school aid fund.

(10) In order to receive funds under this section, a district or public school academy shall allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district or public school academy shall reimburse the state for all disallowances found in the audit.

(11) Subject to subsections (6), (7), and (8), for schools in which more than 40% of pupils are identified as at-risk, a district or public school academy may use the funds it receives under this section to implement tier 1, evidence-based practices in schoolwide reforms that are guided by the district's comprehensive needs assessment and are included in the district improvement plan. Schoolwide reforms must include parent and community supports, activities, and services, that may include the pathways to potential program created by the department of health and human services or the communities in schools program. As used in this subsection, "tier 1, evidence-based practices" means research based instruction and classroom interventions that are available to all learners and effectively meet the needs of most pupils.

(12) A district or public school academy that receives funds under this section may use up to 7.5% of those funds to provide research based professional development and to implement a coaching model that supports the multi-tiered system of supports framework. Professional development may be provided to district and school leadership and teachers and must be aligned to professional learning standards; integrated into district, school building, and classroom practices; and solely related to the following:

(a) Implementing the multi-tiered system of supports required in subsection (3) with fidelity and utilizing the data from that system to inform curriculum and instruction.

(b) Implementing section 1280f of the revised school code, MCL 380.1280f, as required under subsection (3), with fidelity.

(13) A district or public school academy that receives funds under this section may use funds received under this section to support instructional or behavioral coaches. Funds used for this purpose are not subject to the cap under subsection (12).

(14) If necessary, and before any proration required under section 296, the department shall prorate payments under this section, except payments under subsection (7), (8), or (16), by reducing the amount of the allocation as otherwise calculated under this section by an equal percentage per district.

(15) If a district is dissolved pursuant to section 12 of the revised school code, MCL 380.12, the intermediate district to which the dissolved school district was constituent shall determine the estimated number of pupils that are economically disadvantaged and that are enrolled in each of the other districts within the intermediate district and provide that estimate to the department for the purposes of distributing funds under this section within 60 days after the school district is declared dissolved.

(16) From the funds allocated under subsection (1), there is allocated for 2019-2020 an amount not to exceed $12,000,000.00 for payments to districts and public school academies that otherwise received an allocation under this subsection for 2018-2019 and whose allocation under this section for 2018-2019, excluding any payments under subsection (7) or (8), would have been more than the district's or public school academy's allocation under this section for 2019-2020 as calculated under subsection (4) only and as adjusted under subsection (14). The allocation for each district or public school academy under this subsection is an amount equal to its allocation under this section for 2018-2019 minus its allocation as otherwise calculated under subsection (4) for 2019-2020, as adjusted by subsection (14), using in those calculations the 2017-2018 number of pupils determined to be economically disadvantaged. However, if the allocation as otherwise calculated under this subsection would have been less than $0.00, the allocation under this subsection is $0.00. If necessary, and before any proration required under section 296, the department shall prorate payments under this subsection by reducing the amount of the allocation as otherwise calculated under this subsection by an equal percentage per district.

(17) A district or public school academy that receives funds under this section may use funds received under this section to provide an anti-bullying or crisis intervention program.

(18) The department shall collaborate with the department of health and human services to prioritize assigning Pathways to Potential Success coaches to elementary schools that have a high percentage of pupils in grades K to 3 who are not proficient in English language arts, based upon state assessments for pupils in those grades.

(19) As used in this section:

(a) "At-risk pupil" means a pupil in grades K to 12 for whom the district has documentation that the pupil...
meets any of the following criteria:

(i) The pupil is economically disadvantaged.
(ii) The pupil is an English language learner.
(iii) The pupil is chronically absent as defined by and reported to the center.
(iv) The pupil is a victim of child abuse or neglect.
(v) The pupil is a pregnant teenager or parent.
(vi) The pupil has a family history of school failure, incarceration, or substance abuse.
(vii) The pupil is an immigrant who has immigrated within the immediately preceding 3 years.
(viii) The pupil did not complete high school in 4 years and is still continuing in school as identified in the Michigan cohort graduation and dropout report.
(ix) For pupils for whom the results of the state summative assessment have been received, is a pupil who did not achieve proficiency on the English language arts, mathematics, science, or social studies content area assessment.

(x) Is a pupil who is at risk of not meeting the district's or public school academy's core academic curricular objectives in English language arts or mathematics, as demonstrated on local assessments.

(b) "Economically disadvantaged" means a pupil who has been determined eligible for free or reduced-price meals as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j; who is in a household receiving supplemental nutrition assistance program or temporary assistance for needy families assistance; or who is homeless, migrant, or in foster care, as reported to the center.

(c) "English language learner" means limited English proficient pupils who speak a language other than English as their primary language and have difficulty speaking, reading, writing, or understanding English as reported to the center.

(d) "Statewide weighted average foundation allowance" means the number that is calculated by adding together the result of each district's or public school academy's foundation allowance, not to exceed the target foundation allowance for the current fiscal year, or per-pupil payment calculated under section 20 multiplied by the number of pupils in membership in that district or public school academy, and then dividing that total by the statewide number of pupils in membership.


Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003 an amount not to exceed $319,095,200.00” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 1. In accordance with subsection 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with subsection 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00.

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year
2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:
"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:
"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:
"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:
"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Compiler's note: Enacting section 1 of Act 476 of 2014 provides:
"Enacting section 1. Section 31a of the state school aid act of 1979, 1979 PA 94, MCL 388.1631a, as amended by this amendatory act, does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

House Joint Resolution UU was presented to the electors as Proposal 15-1 at the May 5, 2015 special election. The proposal to amend the constitution was not approved by the voters and Act 476 of 2014 does not go into effect.

Enacting section 1 of Act 139 of 2015 provides:
"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."