

HB-4048, Senate Concurred, March 4, 2021

HB-4048, House Concurred, March 3, 2021

HB-4048, As Passed Senate, March 2, 2021

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4048**

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, 23e, 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~~

~~1 \$104,660,000.00 from the general fund, an amount not to exceed~~
~~2 \$75,900,000.00 from the community district education trust fund~~
~~3 created under section 12 of the Michigan trust fund act, 2000 PA~~
~~4 489, MCL 12.262, an amount not to exceed \$9,717,800.00 from the~~
~~5 talent investment fund created under section 8a of the higher~~
~~6 education loan authority act, 1975 PA 222, MCL 390.1158a, an amount~~
~~7 not to exceed \$31,900,000.00 from the MPERS retirement obligation~~
~~8 reform reserve fund, and an amount not to exceed \$100.00 from the~~
~~9 water emergency reserve fund.~~ For the fiscal year ending September
10 30, 2021, there is appropriated for the public schools of this
11 state and certain other state purposes relating to education the
12 sum of ~~\$13,589,621,600.00~~ **\$13,759,819,500.00** from the state school
13 aid fund, the sum of ~~\$50,964,700.00~~ **\$50,964,600.00** from the general
14 fund, an amount not to exceed \$77,700,000.00 from the community
15 district education trust fund created under section 12 of the
16 Michigan trust fund act, 2000 PA 489, MCL 12.262, and an amount not
17 to exceed \$100.00 from the water emergency reserve fund. In
18 addition, all available federal funds are appropriated for the
19 fiscal years ~~year~~ ending ~~September 30, 2020 and~~ September 30, 2021.

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

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

28 **Sec. 11n. From the federal fund money appropriated under**
29 **section 11, there is allocated for 2020-2021 an amount not to**

1 exceed \$125,658,900.00 from the federal funding awarded to this
2 state from the governor's emergency education relief (GEER) fund
3 under the coronavirus response and relief supplemental
4 appropriations act, 2021, division M of Public Law 116-260, and
5 there is allocated for 2020-2021 an amount not to exceed
6 \$1,650,759,800.00 from the federal funding awarded to this state
7 from the elementary and secondary school emergency relief (ESSER)
8 fund under the coronavirus response and relief supplemental
9 appropriations act, 2021, division M of Public Law 116-260.

10 Sec. 11o. From the federal fund money allocated under section
11 11n, there is allocated for 2020-2021 an amount not to exceed
12 \$86,777,000.00 from the federal funding awarded to this state from
13 the governor's emergency education relief (GEER) fund under the
14 coronavirus response and relief supplemental appropriations act,
15 2021, division M of Public Law 116-260, for emergency assistance to
16 nonpublic schools as provided under section 312(d) of the
17 coronavirus response and relief supplemental appropriations act,
18 2021, division M of Public Law 116-260.

19 Sec. 11r. (1) From the federal fund money allocated under
20 section 11n, there is allocated for 2020-2021 an amount not to
21 exceed \$1,493,410,500.00 from the federal funding awarded to this
22 state from the elementary and secondary school emergency relief
23 (ESSER) fund under the coronavirus response and relief supplemental
24 appropriations act, 2021, division M of Public Law 116-260, and
25 from the state school aid fund money appropriated under section 11,
26 there is allocated \$136,000,000.00 for the purposes of this
27 section.

28 (2) From the federal funds allocated under subsection (1),
29 \$650,000,000.00 is allocated for payments to districts as provided

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

10 (3) Except as otherwise provided in this subsection, from the
11 federal funds allocated under subsection (1), \$840,677,500.00 is
12 allocated for payments to districts as provided under this
13 subsection. From the funds allocated in this subsection, the
14 department shall pay each district in proportion to the amount of
15 funds the district received under part A of title I of the
16 elementary and secondary education act of 1965, Public Law 103-382,
17 in the most recent fiscal year. The funding under this subsection
18 is a portion of the funding that is designated as subgrants to
19 local educational agencies as provided under section 313(c) of the
20 coronavirus response and relief supplemental appropriations act,
21 2021, division M of Public Law 116-260. The funds allocated in this
22 subsection must not be paid or otherwise distributed to districts
23 as provided for under this subsection unless House Bill No. 4049 of
24 the 101st Legislature is enacted into law and takes effect within
25 14 days after House Bill No. 4049 is presented to the governor.

26 (4) From the state school aid fund money allocated under
27 subsection (1), there is allocated \$136,000,000.00 to eligible
28 districts as provided in this subsection. The department shall pay
29 each eligible district under this subsection an amount equal to the

1 product of the district's 2020-2021 pupils in membership multiplied
2 by the difference between \$450.00 and the district's ESSER formula
3 payment per pupil. A district to which all of the following apply
4 is an eligible district under this subsection:

5 (a) The district's ESSER formula payment per pupil is less
6 than \$450.00.

7 (b) By not later than March 22, 2021, excluding days that are
8 part of a previously scheduled period of time for which the
9 district is not in session, the district offers in-person
10 instruction at least 20 hours each school week if the district's
11 school week includes 5 school days or, if the district's school
12 week does not include 5 school days, offers in-person instruction
13 in an amount of hours necessary each school week to provide the
14 instruction it would have provided in 20 hours for a 5-school-day
15 school week to all pupils enrolled in the district, regardless of
16 whether or not all pupils enrolled in the district participate in
17 the in-person instruction offered. This subdivision does not apply
18 to a district that operates as a cyber school as that term is
19 defined in section 551 of the revised school code, MCL 380.551. As
20 used in this subdivision, "in-person instruction" means instruction
21 that a pupil receives while he or she is physically present at a
22 school building designated by the district in which he or she is
23 enrolled.

24 (c) The district has an extended COVID-19 learning plan that
25 has been approved under section 98a. This subdivision does not
26 apply to a district that operates as a cyber school as that term is
27 defined in section 551 of the revised school code, MCL 380.551.

28 (d) The district pledges that it will, beginning with the
29 first meeting after the effective date of the amendatory act that

1 added this subdivision, at each meeting of the board or board of
2 directors, as applicable, of the district during which the district
3 reconfirms how instruction is going to be delivered under section
4 98a, confirm that it is offering instruction to pupils as described
5 in subdivision (b). This subdivision does not apply to a district
6 that operates as a cyber school as that term is defined in section
7 551 of the revised school code, MCL 380.551.

8 (5) Funds received by districts under this section must be
9 used for the purposes described in section 313(d) of the
10 coronavirus response and relief supplemental appropriations act,
11 2021, division M of Public Law 116-260.

12 (6) In order to receive funding under this section, a district
13 must submit a spending plan to the department by not later than 45
14 days after the effective date of the amendatory act that added this
15 section. A spending plan described in this subsection must include
16 the district's estimated spending of funds received under this
17 section for the purposes described in subsection (5), disaggregated
18 by the type of service provided. The department shall send a report
19 concerning the spending plans received under this subsection to the
20 legislature.

21 (7) From the federal funds allocated under subsection (1),
22 there is allocated \$2,733,000.00 to the department for
23 administrative costs in implementing this section.

24 (8) As used in this section, "ESSER formula payment per pupil"
25 means an amount equal to the sum of the amount of funds the
26 district receives under subsection (2) and, if House Bill No. 4049
27 is enacted into law and effective within 14 days after House Bill
28 No. 4049 is presented to the governor, the amount of funds the
29 district receives under subsection (3) or, if House Bill No. 4049

1 is not enacted into law and effective within 14 days after House
2 Bill No. 4049 is presented to the governor, the amount of funds the
3 district would have received under subsection (3) if House Bill No.
4 4049 was enacted into law and effective within 14 days after House
5 Bill No. 4049 was presented to the governor, as applicable, divided
6 by the district's pupils in membership for the 2020-2021 school
7 year as calculated under section 6.

8 Sec. 21f. (1) Except as otherwise provided under subsection
9 (15), a primary district shall enroll an eligible pupil in virtual
10 courses in accordance with the provisions of this section. Except
11 as otherwise provided under subsection (15), a primary district
12 shall not offer a virtual course to an eligible pupil unless the
13 virtual course is published in the primary district's catalog of
14 board-approved courses or in the statewide catalog of virtual
15 courses maintained by the Michigan Virtual University pursuant to
16 section 98. The primary district shall also provide on its publicly
17 accessible website a link to the statewide catalog of virtual
18 courses maintained by the Michigan Virtual University. Except as
19 otherwise provided under subsection (15), unless the pupil is at
20 least age 18 or is an emancipated minor, a pupil must not be
21 enrolled in a virtual course without the consent of the pupil's
22 parent or legal guardian.

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

27 (3) Except as otherwise provided under subsection (15), a
28 pupil may be enrolled in more than 2 virtual courses in a specific
29 academic term, semester, or trimester if all of the following

1 conditions are met:

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

4 (b) The pupil agrees with the recommendation of the primary
5 district.

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

11 (4) Except as otherwise provided under subsection (15), if the
12 number of applicants eligible for acceptance in a virtual course
13 does not exceed the capacity of the provider to provide the virtual
14 course, the provider shall accept for enrollment all of the
15 applicants eligible for acceptance. If the number of applicants
16 exceeds the provider's capacity to provide the virtual course, the
17 provider shall use a random draw system, subject to the need to
18 abide by state and federal antidiscrimination laws and court
19 orders. A primary district that is also a provider shall determine
20 whether or not it has the capacity to accept applications for
21 enrollment from nonresident applicants in virtual courses and may
22 use that limit as the reason for refusal to enroll a nonresident
23 applicant.

24 (5) Except as otherwise provided under subsection (15), a
25 primary district may not establish additional requirements beyond
26 those specified in this subsection that would prohibit a pupil from
27 taking a virtual course. Except as otherwise provided under
28 subsection (15), a pupil's primary district may deny the pupil
29 enrollment in a virtual course if any of the following apply, as

1 determined by the district:

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

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

5 (c) The virtual course is not capable of generating academic
6 credit.

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

9 (e) The pupil has not completed the prerequisite coursework
10 for the requested virtual course or has not demonstrated
11 proficiency in the prerequisite course content.

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

14 (g) The virtual course is of insufficient quality or rigor. A
15 primary district that denies a pupil enrollment request for this
16 reason shall enroll the pupil in a virtual course in the same or a
17 similar subject that the primary district determines is of
18 acceptable rigor and quality.

19 (h) The cost of the virtual course exceeds the amount
20 identified in subsection (10), unless the pupil or the pupil's
21 parent or legal guardian agrees to pay the cost that exceeds this
22 amount.

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

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

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

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

20 (a) Ensure that the virtual course has been published in the
21 pupil's primary district's catalog of board-approved courses or
22 published in the statewide catalog of virtual courses maintained by
23 the Michigan Virtual University.

24 (b) Assign to each pupil a teacher of record and provide the
25 primary district with the personnel identification code assigned by
26 the center for the teacher of record. If the provider is a
27 community college, the virtual course must be taught by an
28 instructor employed by or contracted through the providing
29 community college.

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

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

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

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

17 (8) Except as otherwise provided under subsection (15), to
18 provide a virtual course under this section, a community college
19 shall ensure that each virtual course it provides under this
20 section generates postsecondary credit.

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

25 (10) Except as otherwise provided under subsection (15), for a
26 pupil enrolled in 1 or more virtual courses, the primary district
27 shall use foundation allowance or per-pupil funds calculated under
28 section 20 to pay for the expenses associated with the virtual
29 course or courses. Except as otherwise provided under subsection

1 (15), a primary district is not required to pay toward the cost of
2 a virtual course an amount that exceeds 6.67% of the minimum
3 foundation allowance for the current fiscal year as calculated
4 under section 20.

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

12 (12) If a pupil successfully completes a virtual course, as
13 determined by the pupil's primary district, the pupil's primary
14 district shall grant appropriate academic credit for completion of
15 the course and shall count that credit toward completion of
16 graduation and subject area requirements. A pupil's school record
17 and transcript must identify the virtual course title as it appears
18 in the virtual course syllabus.

19 (13) The enrollment of a pupil in 1 or more virtual courses
20 must not result in a pupil being counted as more than 1.0 full-time
21 equivalent pupils under this article. Except as otherwise provided
22 under subsection (15), the minimum requirements to count the pupil
23 in membership are those established by the pupil accounting manual
24 as it was in effect for the 2015-2016 school year or as
25 subsequently amended by the department if the department notifies
26 the legislature about the proposed amendment at least 60 days
27 before the amendment becomes effective.

28 (14) As used in this section:

29 (a) "Instructor" means an individual who is employed by or

1 contracted through a community college.

2 (b) "Mentor" means a professional employee of the primary
3 district who monitors the pupil's progress, ensures the pupil has
4 access to needed technology, is available for assistance, and
5 ensures access to the teacher of record. A mentor may also serve as
6 the teacher of record if the primary district is the provider for
7 the virtual course and the mentor meets the requirements under
8 subdivision (e).

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

11 (d) "Provider" means the district, intermediate district, or
12 community college that the primary district pays to provide the
13 virtual course or the Michigan Virtual University if it is
14 providing the virtual course. **Beginning on the first day of the**
15 **2020-2021 school year through August 31, 2021, "provider" also**
16 **includes any other institution or individual that the primary**
17 **district pays to provide the virtual course.**

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

20 (i) Holds a valid Michigan teaching certificate or a teaching
21 permit recognized by the department.

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

24 (iii) Is responsible for providing instruction, determining
25 instructional methods for each pupil, diagnosing learning needs,
26 assessing pupil learning, prescribing intervention strategies and
27 modifying lessons, reporting outcomes, and evaluating the effects
28 of instruction and support strategies.

29 (iv) Has a personnel identification code provided by the

1 center.

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

4 (f) "Virtual course" means a course of study that is capable
5 of generating a credit or a grade and that is provided in an
6 interactive learning environment where the majority of the
7 curriculum is delivered using the internet and in which pupils may
8 be separated from their instructor or teacher of record by time or
9 location, or both.

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

12 (i) An alignment document detailing how the course meets
13 applicable state standards or, if the state does not have state
14 standards, nationally recognized standards.

15 (ii) The virtual course content outline.

16 (iii) The virtual course required assessments.

17 (iv) The virtual course prerequisites.

18 (v) Expectations for actual instructor or teacher of record
19 contact time with the virtual learning pupil and other
20 communications between a pupil and the instructor or teacher of
21 record.

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

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

24 (viii) The name of the institution or organization providing the
25 virtual content.

26 (ix) The name of the institution or organization providing the
27 instructor or teacher of record.

28 (x) The course titles assigned by the provider and the course
29 titles and course codes from the National Center for Education

1 Statistics (NCES) school codes for the exchange of data (SCED).

2 (xi) The number of eligible pupils that will be accepted by the
3 provider in the virtual course. A primary district that is also the
4 provider may limit the enrollment to those pupils enrolled in the
5 primary district.

6 (xii) The results of the virtual course quality review using
7 the guidelines and model review process published by the Michigan
8 Virtual University.

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

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

16 **Sec. 23b. (1) From the federal fund money allocated under**
17 **section 11n awarded to this state from the elementary and secondary**
18 **school emergency relief (ESSER) fund under the coronavirus response**
19 **and relief supplemental appropriations act, 2021, division M of**
20 **Public Law 116-26, there is allocated for 2020-2021 an amount not**
21 **to exceed \$152,400,000.00, and from the state school aid fund money**
22 **appropriated under section 11, there is allocated for 2020-2021 an**
23 **amount not to exceed \$10,000,000.00 to eligible districts and**
24 **eligible intermediate districts described in subsection (4) to be**
25 **used for COVID-19 remediation services in the manner described in**
26 **subsection (6).**

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

29 (a) An amount not to exceed \$90,000,000.00 from the federal

1 funding allocated under subsection (1) for summer programs that are
2 offered as part of COVID-19 remediation services under this
3 section.

4 (b) An amount not to exceed \$45,000,000.00 from the federal
5 funding allocated under subsection (1) for credit recovery programs
6 that are offered as part of COVID-19 remediation services under
7 this section.

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

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

18 (3) Except as otherwise provided in this subsection, to
19 receive funding under this section, a district or intermediate
20 district must apply for the funding in a form and manner prescribed
21 by the department. An application for funding under this section
22 must be submitted to the department by not later than [April 15,](#)
23 [2021.](#)

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

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

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

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

7 (A) A description of the summer program.

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

10 (C) An estimate of costs for the preparation and
11 implementation of the summer program.

12 (D) A statement indicating whether or not the district or
13 intermediate district is requesting that the summer program be
14 designated as innovative under subsection (11) and the reasons the
15 district or intermediate district believes its program is
16 innovative.

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

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

20 (B) The number of potential eligible pupils that will enroll
21 or the number of eligible pupils enrolled in the credit recovery
22 program.

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

25 (D) A statement indicating whether or not the district or
26 intermediate district is requesting that the credit recovery
27 program be designated as innovative under subsection (11) and the
28 reasons the district or intermediate district believes its program
29 is innovative.

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

4 (A) A description of the before-school, after-school, or
5 before-and-after school program.

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

9 (C) An estimate of costs for the preparation and
10 implementation of the before-school, after-school, or before-and-
11 after school program.

12 (D) Assurance that the before-school, after-school, or before-
13 and-after school program is designed to emphasize remediation for
14 eligible pupils.

15 (c) In its application for funding under this section, the
16 district or intermediate district provides information concerning
17 whether or not the district or intermediate district intends to
18 contract for services as described in subsection (6) (a) in
19 providing a summer program, credit recovery program, or before-
20 school, after-school, or before-and-after school program as part of
21 its COVID-19 remediation services under this section.

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

26 (a) An amount equal to \$550.00 for each eligible pupil that,
27 based on the application for funding under this section, will be
28 enrolled or is enrolled in the eligible district's or eligible
29 intermediate district's summer program, as applicable, offered as

1 part of the eligible district's or eligible intermediate district's
2 COVID-19 remediation services under this section.

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

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

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

20 (6) An eligible district or eligible intermediate district
21 that receives funding under this section shall only use that
22 funding to provide COVID-19 remediation services to eligible
23 pupils. Both of the following apply for purposes of this
24 subsection:

25 (a) An eligible district or eligible intermediate district may
26 contract with public or private entities, other districts or
27 intermediate districts, or a consortium of other districts or
28 intermediate districts to provide COVID-19 remediation services
29 under this section.

1 (b) An eligible intermediate district may provide its COVID-19
2 remediation services to its constituent districts to provide to
3 eligible pupils.

4 (7) If funds allocated under this section for summer programs
5 that are offered as part of COVID-19 remediation services under
6 this section are insufficient to fully fund calculations under this
7 section, the department shall apply proration of an equal dollar
8 amount per eligible pupil in a summer program. If funds allocated
9 under this section for credit recovery programs that are offered as
10 part of COVID-19 remediation services under this section are
11 insufficient to fully fund calculations under this section, the
12 department shall apply proration of an equal dollar amount per
13 eligible pupil in a credit recovery program. If funds allocated
14 under this section for before-school, after-school, or before-and-
15 after school programs that are offered as part of COVID-19
16 remediation services under this section are insufficient to fully
17 fund calculations under this section, the department shall apply
18 proration in equal proportion to the amount the eligible district
19 or eligible intermediate district would have received under this
20 section for that program but for the application of proration under
21 this subsection. If funds specifically allocated under this section
22 for summer programs and credit recovery programs that are offered
23 as part of COVID-19 remediation services under this section that
24 have been designated as innovative under subsection (11) are
25 insufficient to fully fund calculations under this section, the
26 department shall apply proration of an equal dollar amount per
27 eligible pupil in the program or programs described in this
28 sentence.

29 (8) In awarding funding under this section, the department

1 shall prioritize funding under this section that is distributed for
2 before-school, after-school, and before-and-after school programs
3 offered as part of COVID-19 remediation services under this section
4 to the following eligible districts or eligible intermediate
5 districts that offer those programs as part of their COVID-19
6 remediation services:

7 (a) Eligible districts or eligible intermediate districts with
8 the highest number of eligible pupils who, based on the application
9 for funding under this section, will enroll or are enrolled in the
10 program.

11 (b) Eligible districts or eligible intermediate districts with
12 the largest size program.

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

15 (9) A before-school, after-school, or before-and-after school
16 program that is offered as part of COVID-19 remediation services
17 under this section must be provided to eligible pupils in a manner
18 in which the eligible pupils are in person at a school building
19 designated by the eligible district or eligible intermediate
20 district providing the program. A before-school, after-school, or
21 before-and-after school program that is offered as part of COVID-19
22 remediation services under this section must provide educational
23 programming in core subject areas, including, but not limited to,
24 mathematics, reading, and science. As used in this subsection, "in
25 person" means physically present.

26 (10) If, in its application for funding under this section, an
27 eligible district or eligible intermediate district submits the
28 potential number of eligible pupils that will enroll in its summer
29 program as described in subsection (4) (b) (i), potential number of

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

18 (11) For purposes of determining which eligible districts and
19 eligible intermediate districts will receive additional payments as
20 described in subsection (5) (d), the department's innovation council
21 shall, based on applications submitted under this section,
22 designate summer programs and credit recovery programs that are
23 offered as part of COVID-19 remediation services under this section
24 that, in their applications for funding under this section, request
25 innovative designation as innovative if it determines those
26 programs are innovative. A program that is designated as innovative
27 under this subsection may include, without limitation, 1 or more of
28 the following:

29 (a) Community-based projects.

1 (b) Integrated kinesthetic or cognitive growth programs.

2 (c) STEM-based programs.

3 (d) Outdoor or adventure-based programs.

4 (e) Any programs that integrate public and private
5 partnerships.

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

11 (13) As used in this section:

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

14 (b) "COVID-19 remediation services" means any of the
15 following:

16 (i) A summer program.

17 (ii) A credit recovery program.

18 (iii) A before-school, after-school, or before-and-after school
19 program.

20 (c) "Credit recovery program" means an educational program
21 that meets at least all of the following:

22 (i) Is offered to each eligible pupil described in subdivision

23 (d) (ii) who was enrolled in any of grades 9 to 12 in the 2020-2021
24 school year.

25 (ii) Is a program that is designed to provide educational
26 remediation to pupils.

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

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

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

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

8 (A) Any of the following apply:

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

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

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

19 (B) The eligible district or eligible intermediate district
20 providing the summer program under this section has determined that
21 the child is eligible for enrollment in the eligible district's or
22 eligible intermediate district's summer program. An eligible
23 district or eligible intermediate district is encouraged to base
24 the determination described in this sub-subparagraph on benchmark
25 assessment data from the benchmark assessment or benchmark
26 assessments administered to the child under section 104, as
27 applicable.

28 (ii) For participation in a credit recovery program offered as
29 part of COVID-19 remediation services under this section, both of

1 the following apply:

2 (A) In the 2020-2021 school year, the child was enrolled in
3 the eligible district, eligible intermediate district, or a
4 constituent district of the eligible intermediate district that
5 provides the credit recovery program to the child under this
6 section.

7 (B) Any of the following apply:

8 (I) The child has failed 1 or more credits or courses in the
9 2020-2021 school year.

10 (II) The child is not on track to graduate from high school,
11 as determined by the eligible district, eligible intermediate
12 district, or constituent district of the eligible intermediate
13 district in which the child was enrolled as described in sub-
14 subparagraph (A).

15 (III) The eligible district, eligible intermediate district,
16 or constituent district of the eligible intermediate district in
17 which the child was enrolled as described in sub-subparagraph (A)
18 has determined that the child is eligible for enrollment in the
19 eligible district's or eligible intermediate district's credit
20 recovery program.

21 (iii) For participation in a before-school, after-school, or
22 before-and-after school program offered as part of COVID-19
23 remediation services under this section, both of the following
24 apply:

25 (A) In the 2020-2021 school year, the child was enrolled in
26 any of grades K to 12 in the eligible district, eligible
27 intermediate district, or a constituent district of the eligible
28 intermediate district that provides the before-school, after-
29 school, or before-and-after school program to the child under this

1 section.

2 (B) The eligible district, eligible intermediate district, or
3 constituent district of the eligible intermediate district in which
4 the child was enrolled as described in sub-subparagraph (A) has
5 determined that the child is eligible for enrollment in the
6 eligible district's or eligible intermediate district's before-
7 school, after-school, or before-and-after school program.

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

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

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

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

18 (iv) Is provided to eligible pupils described in subdivision
19 (d) (i) in a manner in which the eligible pupils are in person at a
20 school building designated by the eligible district or eligible
21 intermediate district providing the program. As used in this
22 subparagraph, "in person" means physically present.

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

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

27 Sec. 23c. (1) From the federal fund money allocated under
28 section 11n awarded to this state from the governor's emergency
29 education relief (GEER) fund under the coronavirus response and

1 relief supplemental appropriations act, 2021, division M of Public
2 Law 116-260, there is allocated for 2020-2021 an amount not to
3 exceed \$21,309,900.00 for payments to eligible districts or
4 eligible intermediate districts described in subsection (3) to be
5 used in the manner described in subsection (4).

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

9 (3) A district or intermediate district that meets all of the
10 following is an eligible district or eligible intermediate district
11 under this section:

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

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

20 (c) In its application for funding under this section, the
21 district or intermediate district includes the number of eligible
22 teachers and eligible support staff members it intends to provide a
23 payment to under subsection (4).

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

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

29 (b) To provide a payment of \$250.00 to each eligible support

1 staff member.

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

9 (6) If funds allocated under this section are insufficient to
10 fully fund calculations under this section, the department shall
11 apply proration in equal proportion to the amount the eligible
12 district or eligible intermediate district would have received
13 under this section for eligible teachers and eligible support staff
14 members but for the application of proration under this subsection.

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

18 (8) As used in this section:

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

21 (i) The individual is employed by or assigned to work at the
22 eligible district or eligible intermediate district described in
23 subsection (3).

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

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

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

4 (ii) The individual is employed by or assigned to work at the
5 eligible district or eligible intermediate district described in
6 subsection (3).

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

10 Sec. 23d. (1) From the federal funding allocated under section
11 11n awarded to this state from the governor's emergency education
12 relief (GEER) fund under the coronavirus response and relief
13 supplemental appropriations act, 2021, division M of Public Law
14 116-260, there is allocated for 2020-2021 an amount not to exceed
15 \$10,000,000.00 for the purposes of this section. The department
16 shall establish a grant program to distribute this funding to
17 eligible parents and eligible legal guardians described in
18 subsection (3).

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

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

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

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

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

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

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

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

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

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

27 (6) If funds allocated under this section are insufficient to
28 fully fund calculations under this section, the department shall
29 apply proration in equal proportion to the amount the eligible

1 parent or eligible legal guardian would have received under this
2 section but for the application of proration under this subsection.

3 (7) As used in this section, "summer programming" means an
4 educational enrichment program, including, but not limited to, a
5 summer program or credit recovery program offered as part of COVID-
6 19 remediation services under section 23b, a program that
7 incorporates extracurricular activities, or any other educational
8 program that is provided in person, online, digitally, by other
9 remote means, in a synchronous or asynchronous format, or through
10 any combination of these.

11 Sec. 23e. (1) From the federal fund money allocated under
12 section 11n awarded to this state from the governor's emergency
13 education relief (GEER) fund under the coronavirus response and
14 relief supplemental appropriations act, 2021, division M of Public
15 Law 116-260, there is allocated for 2020-2021 an amount not to
16 exceed \$5,000,000.00. The department shall develop a competitive
17 grant program to distribute this funding to eligible entities
18 described in subsection (3) as described under this section.

19 (2) To receive funding under this section, an entity must
20 apply for the funding in a form and manner prescribed by the
21 department.

22 (3) An entity that meets eligibility criteria established by
23 the department for purposes of receiving grant funding under this
24 section is an eligible entity under this section. The eligibility
25 criteria described in this subsection must establish that an entity
26 must meet at least all of the following requirements to receive
27 grant funding under this section:

28 (a) Serves children in kindergarten or any or all of grades 1
29 to 8, or both.

1 (b) Is a community-based organization that is exempt from
2 federal income tax under section 501(c)(3) of the internal revenue
3 code, 26 USC 501.

4 (c) Provides before-school, after-school, or before-and-after
5 school programming to children described in subdivision (a).

6 (4) The department shall determine the amount of grant funding
7 under this section that will be paid to each eligible entity.
8 However, in determining the amounts under this subsection, the
9 department shall ensure that both of the following are applied in
10 its determinations:

11 (a) To the extent practicable, the department shall ensure
12 that all eligible entities in all geographic regions of this state
13 are represented in the distribution of grant funding under this
14 section. This subdivision does not require the department to award
15 grant funding under this section to eligible entities in all
16 geographic regions of this state.

17 (b) The department shall prioritize distributing grant funding
18 under this section to eligible entities that are located within
19 districts or intermediate districts that do not provide the before-
20 school, after-school, or before-and-after school programming
21 provided by the eligible entity.

22 (5) An eligible entity that receives grant funding under this
23 section shall use the funding only to provide before-school, after-
24 school, or before-and-after school programming to children
25 described in subsection (3)(a). The programming offered under this
26 subsection must meet both of the following:

27 (a) Be provided to children in a manner in which the children
28 are in person at a building designated by the eligible entity. As
29 used in this subdivision, "in person" means physically present.

1 **(b) Provide educational programming in core subject areas,**
2 **including, but not limited to, mathematics, reading, and science.**

3 **(6) Notwithstanding section 17b, the department shall make**
4 **payments under this section on a schedule determined by the**
5 **department.**

6 Sec. 31n. (1) ~~From the state school aid fund money~~
7 ~~appropriated in section 11, there is allocated for 2019-2020 for~~
8 ~~the purposes of this section an amount not to exceed \$30,000,000.00~~
9 ~~and from the general fund money appropriated in section 11, there~~
10 ~~is allocated for 2019-2020 for the purposes of this section an~~
11 ~~amount not to exceed \$1,300,000.00.~~ From the state school aid fund
12 money appropriated in section 11, there is allocated for 2020-2021
13 for the purposes of this section an amount not to exceed
14 ~~\$35,600,000.00~~ **\$55,600,000.00** and from the general fund money
15 appropriated in section 11, there is allocated for 2020-2021 for
16 the purposes of this section an amount not to exceed \$1,300,000.00.
17 The department and the department of health and human services
18 shall continue a program to distribute this funding to add licensed
19 behavioral health providers for general education pupils, and shall
20 continue to seek federal Medicaid match funding for all eligible
21 mental health and support services.

22 (2) The department and the department of health and human
23 services shall maintain an advisory council for programs funded
24 under this section. The advisory council shall define goals for
25 implementation of programs funded under this section, and shall
26 provide feedback on that implementation. At a minimum, the advisory
27 council shall consist of representatives of state associations
28 representing school health, school mental health, school
29 counseling, education, health care, and other organizations,

1 representatives from the department and the department of health
2 and human services, and a representative from the school safety
3 task force created under Executive Order No. 2018-5. The department
4 and department of health and human services, working with the
5 advisory council, shall determine an approach to increase capacity
6 for mental health and support services in schools for general
7 education pupils, and shall determine where that increase in
8 capacity qualifies for federal Medicaid match funding.

9 (3) The advisory council shall develop a fiduciary agent
10 checklist for intermediate districts to facilitate development of a
11 plan to submit to the department and to the department of health
12 and human services. The department and department of health and
13 human services shall determine the requirements and format for
14 intermediate districts to submit a plan for possible funding under
15 subsection (5). The department shall make applications for funding
16 for this program available to districts and intermediate districts
17 not later than ~~December 1, 2019, for the 2019-2020 fiscal year and~~
18 December 1, 2020 for the 2020-2021 fiscal year and shall award the
19 funding not later than ~~February 1, 2020 for the 2019-2020 fiscal~~
20 ~~year and~~ February 1, 2021 for the 2020-2021 fiscal year.

21 (4) The department of health and human services shall seek to
22 amend the state Medicaid plan or obtain appropriate Medicaid
23 waivers as necessary for the purpose of generating additional
24 Medicaid match funding for school mental health and support
25 services for general education pupils. The intent is that a
26 successful state plan amendment or other Medicaid match mechanisms
27 will result in additional federal Medicaid match funding for both
28 the new funding allocated under this section and for any expenses
29 already incurred by districts and intermediate districts for mental

1 health and support services for general education pupils.

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

23 (6) From the state school aid fund money allocated under
24 subsection (1), ~~there is allocated for 2019-2020 an amount not to~~
25 ~~exceed \$23,000,000.00 and~~ there is allocated for 2020-2021 an
26 amount not to exceed ~~\$25,800,000.00~~ **\$45,800,000.00** to be
27 distributed to intermediate districts for the provision of mental
28 health and support services to general education students. From the
29 funds allocated under this subsection, the department shall

1 distribute ~~\$410,700.00 for 2019-2020 and \$460,700.00~~ **\$817,800.00**
2 for 2020-2021 to each intermediate district that submits a plan
3 approved by the department and the department of health and human
4 services. The department and department of health and human
5 services shall work cooperatively in providing oversight and
6 assistance to intermediate districts during the plan submission
7 process and shall monitor the program upon implementation. An
8 intermediate district shall use funds awarded under this subsection
9 to provide funding to its constituent districts, including public
10 school academies that are considered to be constituent districts
11 under section 705(7) of the revised school code, MCL 380.705, for
12 the provision of mental health and support services to general
13 education students. In addition to the criteria identified under
14 subsection (7), an intermediate district shall consider geography,
15 cost, or other challenges when awarding funding to its constituent
16 districts. **For 2020-2021 only, even if grants under this subsection**
17 **have already been received by constituent districts of an**
18 **intermediate district under this subsection, the intermediate**
19 **district may award additional grants to its constituent districts**
20 **from funding allocated through the amendatory act that added this**
21 **sentence, based on applications as described in subsection (7) that**
22 **have already been submitted for the fiscal year, and, if a**
23 **constituent district did not apply for initial grants as described**
24 **in subsection (7) before the effective date of the amendatory act**
25 **that added this sentence and asks to apply for the additional**
26 **grants described in this sentence, the intermediate district must**
27 **allow the constituent district to submit an application for the**
28 **additional grant funding.** If funding awarded to an intermediate
29 district remains after funds are provided by the intermediate

1 district to its constituent districts, the intermediate district
2 may hire or contract for experts to provide mental health and
3 support services to general education students residing within the
4 boundaries of the intermediate district, including, but not limited
5 to, expanding, hiring, or contracting for staff and experts to
6 provide those services directly or to increase access to those
7 services through coordination with outside mental health agencies.

8 (7) A district requesting funds under this section from the
9 intermediate district in which it is located shall submit an
10 application for funding for the provision of mental health and
11 support services to general education pupils. A district receiving
12 funding from the application process described in this subsection
13 shall provide services to nonpublic students upon request. An
14 intermediate district shall not discriminate against an application
15 submitted by a public school academy simply on the basis of the
16 applicant being a public school academy. The department shall
17 approve grant applications based on the following criteria:

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

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

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

1 (d) The extent of the district's existing partnerships with
2 community health care providers or the ability of the district to
3 establish such partnerships.

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

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

9 (g) Whether the district will participate in ongoing
10 trainings.

11 (h) Whether the district will submit an annual report to the
12 state.

13 (i) Whether the district demonstrates a willingness to work
14 with the state to establish program and service delivery
15 benchmarks.

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

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

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

23 (9) Both of the following are allocated to the department of
24 health and human services from the general fund money allocated
25 under subsection (1):

26 (a) For ~~2019-2020, an amount not to exceed \$1,000,000.00 and~~
27 ~~for~~ 2020-2021, an amount not to exceed \$1,000,000.00 for the
28 purpose of upgrading technology and systems infrastructure and
29 other administrative requirements to support the programs funded

1 under this section.

2 (b) For ~~2019-2020, an amount not to exceed \$300,000.00 and for~~
3 2020-2021, an amount not to exceed \$300,000.00 for the purpose of
4 administering the programs under this section and working on
5 generating additional Medicaid funds as a result of programs funded
6 under this section.

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

13 (11) The department and the department of health and human
14 services shall work with the advisory council to develop proposed
15 measurements of outcomes and performance. Those measurements must
16 include, at a minimum, the number of pupils served, the number of
17 schools served, and where those pupils and schools were located.
18 The department and the department of health and human services
19 shall compile data necessary to measure outcomes and performance,
20 and districts and intermediate districts receiving funding under
21 this section shall provide data requested by the department and
22 department of health and human services for the measurement of
23 outcomes and performance. The department and department of health
24 and human services shall provide an annual report not later than
25 December 1 of each year to the house and senate appropriations
26 subcommittees on state school aid and health and human services, to
27 the house and senate fiscal agencies, and to the state budget
28 director. At a minimum, the report must include measurements of
29 outcomes and performance, proposals to increase efficacy and

1 usefulness, proposals to increase performance, and proposals to
2 expand coverage.

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

8 **Sec. 104a. (1) From the federal fund money allocated under**
9 **section 11n awarded to this state from the governor's emergency**
10 **education relief (GEER) fund under the coronavirus response and**
11 **relief supplemental appropriations act, 2021, division M of Public**
12 **Law 116-260, there is allocated for 2020-2021 an amount not to**
13 **exceed \$2,572,000.00, and from the federal fund money allocated**
14 **under section 11n awarded to this state from the elementary and**
15 **secondary school emergency relief (ESSER) fund under the**
16 **coronavirus response and relief supplemental appropriations act,**
17 **2021, division M of Public Law 116-26, there is allocated for 2020-**
18 **2021 an amount not to exceed \$4,949,300.00, and from the state**
19 **school aid fund money appropriated under section 11, there is**
20 **allocated for 2020-2021 an amount not to exceed \$4,197,900.00 to**
21 **districts to begin implementation of a benchmark assessment system**
22 **for the 2021-2022 school year. All of the following apply to the**
23 **benchmark assessment system described in this subsection:**

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

25 (i) That, within the first 9 weeks of the 2021-2022 school
26 year, the district shall administer 1 or more benchmark assessments
27 provided by a provider approved under section 104(9), benchmark
28 assessments described in subdivision (b), or local benchmark
29 assessments, or any combination thereof, to all pupils in grades K

1 to 8 to measure proficiency in reading and mathematics.

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

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

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

16 (ii) A benchmark assessment in math for students in grades K to
17 8 that contains progress monitoring tools.

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

26 (d) The system must provide that, if a district administers a
27 benchmark assessment or benchmark assessments under this section,
28 the district shall provide each pupil's data from the benchmark
29 assessment or benchmark assessments, as available, to the pupil's

1 parent or legal guardian within 30 days of administering the
2 benchmark assessment or benchmark assessments.

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

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

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

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

25 (4) The department shall make 1 of the benchmark assessments
26 provided by a provider approved under section 104(9) available to
27 districts at no cost to the districts for purposes of meeting the
28 requirements under this section. The benchmark assessment described
29 in this subsection must meet all of the following:

- 1 (a) Be aligned to the content standards of this state.
- 2 (b) Complement the state's summative assessment system.
- 3 (c) Be internet-delivered and include a standards-based
4 assessment.
- 5 (d) Provide information on pupil achievement with regard to
6 learning content required in a given year or grade span.
- 7 (e) Provide timely feedback to pupils and teachers.
- 8 (f) Be nationally normed.
- 9 (g) Provide information to educators about student growth and
10 allow for multiple testing opportunities.
- 11 (5) By not later than December 31, 2021, the department shall
12 submit a report to the house and senate appropriations committees,
13 the house and senate appropriations subcommittees on school aid,
14 and the house and senate fiscal agencies regarding the benchmark
15 assessment data received under this section, disaggregated by grade
16 level for each district. If information concerning pupil growth is
17 included in the data described in this subsection, it must be
18 incorporated in the report described in this subsection.

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

25 (2) Each district or intermediate district shall report to the
26 local health department in which it is located by November 1 of
27 each fiscal year, in a manner prescribed by the department of
28 ~~community~~-health **and human services**, the immunization status of
29 each pupil in grades K through 12 who enrolled in the district or

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

20 (3) Each district or intermediate district shall again report
21 to the local health department in which it is located by February 1
22 of each fiscal year, in a manner prescribed by the department of
23 ~~community~~ **health and human services**, the immunization status of
24 each pupil in grades K through 12 who enrolled in the district or
25 intermediate district for the first time or ~~, beginning in 2014-~~
26 ~~2015,~~ who enrolled in grade 7 in the district or intermediate
27 district for the first time, between January 1 of the immediately
28 preceding fiscal year and December 31 of the current fiscal year.
29 Not later than March 31 of each fiscal year, the department of

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

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

1 **provided in this subsection, if** the district or intermediate
2 district does not comply with this section by the end of the fiscal
3 year, the district or intermediate district forfeits the total
4 amount withheld. **For the 2020-2021 fiscal year only, this**
5 **subsection does not apply.**

6 Enacting section 1. In accordance with section 30 of article
7 IX of the state constitution of 1963, total state spending on
8 school aid under article I of the state school aid act of 1979,
9 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 147,
10 2020 PA 148, 2020 PA 149, 2020 PA 165, and this amendatory act,
11 from state sources for fiscal year 2020-2021 is estimated at
12 \$13,888,484,200.00 and state appropriations for school aid to be
13 paid to local units of government for fiscal year 2020-2021 are
14 estimated at \$13,716,487,100.00.