

**SUBSTITUTE FOR
HOUSE BILL NO. 4048**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 11 (MCL 388.1611), as amended by 2020 PA 165,
and by adding sections 11n, 23b, 23c, 23d, 98b, and 104a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) ~~For the fiscal year ending September 30, 2020,~~
2 ~~there is appropriated for the public schools of this state and~~
3 ~~certain other state purposes relating to education the sum of~~
4 ~~\$12,829,470,800.00 from the state school aid fund, the sum of~~
5 ~~\$104,660,000.00 from the general fund, an amount not to exceed~~
6 ~~\$75,900,000.00 from the community district education trust fund~~
7 ~~created under section 12 of the Michigan trust fund act, 2000 PA~~
8 ~~489, MCL 12.262, an amount not to exceed \$9,717,800.00 from the~~



1 ~~talent investment fund created under section 8a of the higher~~
 2 ~~education loan authority act, 1975 PA 222, MCL 390.1158a, an amount~~
 3 ~~not to exceed \$31,900,000.00 from the MPSEERS retirement obligation~~
 4 ~~reform reserve fund, and an amount not to exceed \$100.00 from the~~
 5 ~~water emergency reserve fund. For the fiscal year ending September~~
 6 ~~30, 2021, there is appropriated for the public schools of this~~
 7 ~~state and certain other state purposes relating to education the~~
 8 ~~sum of \$13,589,621,600.00~~ **\$13,952,621,600.00** ~~from the state school~~
 9 ~~aid fund, the sum of \$50,964,700.00~~ **\$50,964,600.00** ~~from the general~~
 10 ~~fund, an amount not to exceed \$77,700,000.00 from the community~~
 11 ~~district education trust fund created under section 12 of the~~
 12 ~~Michigan trust fund act, 2000 PA 489, MCL 12.262, and an amount not~~
 13 ~~to exceed \$100.00 from the water emergency reserve fund. In~~
 14 ~~addition, all available federal funds are appropriated for the~~
 15 ~~fiscal years~~ **year** ~~ending September 30, 2020 and September 30, 2021.~~

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

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

24 **Sec. 11n. From the federal funds appropriated under section**
 25 **11, there is allocated for 2020-2021 an amount not to exceed**
 26 **\$125,658,839.00 from the federal funding awarded to this state from**
 27 **the governor's emergency education relief (GEER) fund under the**
 28 **coronavirus response and relief supplemental appropriations act,**
 29 **2021, Public Law 116-260, and there is allocated for 2020-2021 an**



1 amount not to exceed \$1,656,308,286.00 from the federal funding
2 awarded to this state from the elementary and secondary school
3 emergency relief (ESSER) fund under the coronavirus response and
4 relief supplemental appropriations act, 2021, Public Law 116-260.
5 As required under the coronavirus response and relief supplemental
6 appropriations act, 2021, Public Law 116-260, the governor shall
7 submit a signed certification and agreement for the emergency
8 assistance to nonpublic schools program to the United States
9 Department of Education by not later than February 8, 2021.

10 Sec. 23b. (1) From the federal funding allocated under section
11 11n awarded to this state from the elementary and secondary school
12 emergency relief (ESSER) fund under the coronavirus response and
13 relief supplemental appropriations act, 2021, Public Law 116-260,
14 there is allocated for 2020-2021 an amount not to exceed
15 \$153,202,954.00 to eligible districts and eligible intermediate
16 districts described in subsection (4) to be used for COVID-19
17 remediation services in the manner described in subsection (6).

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

20 (a) An amount not to exceed \$85,000,000.00 for summer programs
21 that are offered as part of COVID-19 remediation services under
22 this section.

23 (b) An amount not to exceed \$40,000,000.00 for credit recovery
24 programs that are offered as part of COVID-19 remediation services
25 under this section.

26 (c) An amount not to exceed \$18,202,954.00 for before-school,
27 after-school, or before-and-after school programs that are offered
28 as part of COVID-19 remediation services under this section.

29 (d) An amount not to exceed \$10,000,000.00 for additional



1 payments for summer programs and credit recovery programs that are
 2 offered as part of COVID-19 remediation services under this section
 3 that the department's innovation council designates as innovative
 4 under subsection (11).

5 (3) Except as otherwise provided in this subsection, to
 6 receive funding under this section, a district or intermediate
 7 district must apply for the funding in a form and manner prescribed
 8 by the department. An application for funding under this section
 9 must be submitted to the department by not later than March 15,
 10 2021.

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

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

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

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

23 (A) A description of the summer program.

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

26 (C) An estimate of costs for the preparation and
 27 implementation of the summer program.

28 (D) A statement indicating whether or not the district or
 29 intermediate district is requesting that the summer program be



1 designated as innovative under subsection (11) and the reasons the
2 district or intermediate district believes its program is
3 innovative.

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

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

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

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

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

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

20 (A) A description of the before-school, after-school, or
21 before-and-after school program.

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

25 (C) An estimate of costs for the preparation and
26 implementation of the before-school, after-school, or before-and-
27 after school program.

28 (D) Assurance that the before-school, after-school, or before-
29 and-after school program is designed to emphasize remediation for



1 eligible pupils.

2 (c) In its application for funding under this section, the
3 district or intermediate district provides information concerning
4 whether or not the district or intermediate district intends to
5 contract for services as described in subsection (6) (a) in
6 providing a summer program, credit recovery program, or before-
7 school, after-school, or before-and-after school program as part of
8 its COVID-19 remediation services under this section.

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

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

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

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

29 (d) In addition to the amounts distributed under subdivisions



1 (a) and (b), an amount not to exceed \$100.00 for each eligible
2 pupil who, based on the application for funding under this section,
3 will be enrolled or is enrolled in the eligible district's or
4 eligible intermediate district's summer program or credit recovery
5 program, as applicable, if the program or programs have been
6 designated as innovative under subsection (11).

7 (6) An eligible district or eligible intermediate district
8 that receives funding under this section shall only use that
9 funding to provide COVID-19 remediation services to eligible
10 pupils. All of the following apply for purposes of this subsection:

11 (a) An eligible district or eligible intermediate district may
12 contract with public or private entities, other districts or
13 intermediate districts, or a consortium of other districts or
14 intermediate districts to provide COVID-19 remediation services
15 under this section.

16 (b) An eligible intermediate district may provide its COVID-19
17 remediation services to its constituent districts to provide to
18 eligible pupils.

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



1 after school programs that are offered as part of COVID-19
2 remediation services under this section are insufficient to fully
3 fund calculations under this section, the department shall apply
4 proration in equal proportion to the amount the eligible district
5 or eligible intermediate district would have received under this
6 section for that program but for the application of proration under
7 this subsection. If funds specifically allocated under this section
8 for summer programs and credit recovery programs that are offered
9 as part of COVID-19 remediation services under this section that
10 have been designated as innovative under subsection (11) 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 the program or programs described in this
14 sentence.

15 (8) In awarding funding under this section, the department
16 shall prioritize funding under this section that is distributed for
17 before-school, after-school, and before-and-after school programs
18 offered as part of COVID-19 remediation services under this section
19 to the following eligible districts or eligible intermediate
20 districts that offer those programs as part of their COVID-19
21 remediation services:

22 (a) Eligible districts or eligible intermediate districts with
23 the highest number of eligible pupils who, based on the application
24 for funding under this section, will enroll or are enrolled in the
25 program.

26 (b) Eligible districts or eligible intermediate districts with
27 the largest size program.

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



1 (9) A before-school, after-school, or before-and-after school
2 program that is offered as part of COVID-19 remediation services
3 under this section must be provided to eligible pupils in a manner
4 in which the eligible pupils are in person at a school building
5 designated by the eligible district or eligible intermediate
6 district providing the program. A before-school, after-school, or
7 before-and-after school program that is offered as part of COVID-19
8 remediation services under this section must provide educational
9 programming in core subject areas, including, but not limited to,
10 mathematics, reading, and science. As used in this subsection, "in
11 person" means physically present.

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



1 determined by the department, the eligible district or eligible
2 intermediate district shall refund the department in the amount of
3 the overpayment.

4 (11) For purposes of determining which eligible districts and
5 eligible intermediate districts will receive additional payments as
6 described in subsection (5) (d), the department's innovation council
7 shall, based on applications submitted under this section,
8 designate summer programs and credit recovery programs that are
9 offered as part of COVID-19 remediation services under this section
10 that, in their applications for funding under this section, request
11 innovative designation as innovative if it determines those
12 programs are innovative. A program that is designated as innovative
13 under this subsection may include, without limitation, 1 or more of
14 the following:

- 15 (a) Community-based projects.
16 (b) Integrated kinesthetic or cognitive growth programs.
17 (c) STEM-based programs.
18 (d) Outdoor or adventure-based programs.
19 (e) Any programs that integrate public and private
20 partnerships.

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

26 (13) As used in this section:

- 27 (a) "Constituent district" means a district that is located in
28 the geographic boundaries of the intermediate district.
29 (b) "COVID-19 remediation services" means any of the



1 following:

2 (i) A summer program.

3 (ii) A credit recovery program.

4 (iii) A before-school, after-school, or before-and-after school
5 program.

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

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

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

11 (ii) Is a program that is designed to provide educational
12 remediation to pupils.

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

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

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

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

23 (A) Any of the following apply:

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

27 (II) If an eligible district that is a public school academy
28 is providing the COVID-19 remediation services, the child resides
29 within the geographic boundaries of the intermediate district in



1 which the district is located.

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

5 (B) The eligible district or eligible intermediate district
6 providing the summer program under this section has determined that
7 the child is eligible for enrollment in the eligible district's or
8 eligible intermediate district's summer program. An eligible
9 district or eligible intermediate district is encouraged to base
10 the determination described in this sub-subparagraph on benchmark
11 assessment data from the benchmark assessment or benchmark
12 assessments administered to the child under section 104, as
13 applicable.

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

17 (A) In the 2020-2021 school year, the child was enrolled in
18 the eligible district, eligible intermediate district, or a
19 constituent district of the eligible intermediate district that
20 provides the credit recovery program to the child under this
21 section.

22 (B) Any of the following apply:

23 (I) The child has failed 1 or more credits or courses in the
24 2020-2021 school year.

25 (II) The child is not on track to graduate from high school,
26 as determined by the eligible district, eligible intermediate
27 district, or constituent district of the eligible intermediate
28 district in which the child was enrolled as described in sub-
29 subparagraph (A).



1 (III) The eligible district, eligible intermediate district,
 2 or constituent district of the eligible intermediate district in
 3 which the child was enrolled as described in sub-subparagraph (A)
 4 has determined that the child is eligible for enrollment in the
 5 eligible district's or eligible intermediate district's credit
 6 recovery program.

7 (iii) For participation in a before-school, after-school, or
 8 before-and-after school program offered as part of COVID-19
 9 remediation services under this section, both of the following
 10 apply:

11 (A) In the 2020-2021 school year, the child was enrolled in
 12 any of grades K to 12 in the eligible district, eligible
 13 intermediate district, or a constituent district of the eligible
 14 intermediate district that provides the before-school, after-
 15 school, or before-and-after school program to the child under this
 16 section.

17 (B) The eligible district, eligible intermediate district, or
 18 constituent district of the eligible intermediate district in which
 19 the child was enrolled as described in sub-subparagraph (A) has
 20 determined that the child is eligible for enrollment in the
 21 eligible district's or eligible intermediate district's before-
 22 school, after-school, or before-and-after school program.

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

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

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



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

4 (iv) Is provided to eligible pupils described in subdivision
5 (d) (i) in a manner in which the eligible pupils are in person at a
6 school building designated by the eligible district or eligible
7 intermediate district providing the program. As used in this
8 subparagraph, "in person" means physically present.

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

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

13 Sec. 23c. (1) From the federal funding allocated under section
14 11n awarded to this state from the governor's emergency education
15 relief (GEER) fund under the coronavirus response and relief
16 supplemental appropriations act, 2021, Public Law 116-260, there is
17 allocated an amount not to exceed \$21,309,849.00 for 2020-2021 for
18 payments to eligible districts or eligible intermediate districts
19 described in subsection (3) to be used in the manner described in
20 subsection (4).

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

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



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

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

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

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

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

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

24 (6) If funds allocated under this section are insufficient to
 25 fully fund calculations under this section, the department shall
 26 apply proration in equal proportion to the amount the eligible
 27 district or eligible intermediate district would have received
 28 under this section for eligible teachers and eligible support staff
 29 members but for the application of proration under this subsection.



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

4 (8) As used in this section:

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

7 (i) The individual is employed by or assigned to work at the
8 eligible district or eligible intermediate district described in
9 subsection (3).

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

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

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

19 (ii) The individual is employed by or assigned to work at the
20 eligible district or eligible intermediate district described in
21 subsection (3).

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

25 Sec. 23d. (1) From the federal funding allocated under section
26 11n awarded to this state from the governor's emergency education
27 relief (GEER) fund under the coronavirus response and relief
28 supplemental appropriations act, 2021, Public Law 116-260, there is
29 allocated for 2020-2021 an amount not to exceed \$5,852,954.00, and



1 from the federal funding allocated under section 11n awarded to
2 this state from the elementary and secondary school emergency
3 relief (ESSER) fund under the coronavirus response and relief
4 supplemental appropriations act, 2021, Public Law 116-260, there is
5 allocated for 2020-2021 an amount not to exceed \$4,147,046.00, for
6 the purposes of this section. The department shall establish a
7 grant program to distribute this funding to eligible parents and
8 eligible legal guardians described in subsection (3).

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

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

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

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

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

27 (d) If the parent or legal guardian is seeking reimbursement
28 for expenses incurred in relation to providing summer programming
29 for his or her child as described in subdivision (a), in his or her



1 application for funding under this section, the parent or legal
2 guardian describes those expenses.

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

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

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

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

17 (6) As used in this section, "summer programming" means an
18 educational enrichment program, including, but not limited to, a
19 summer program or credit recovery program offered as part of COVID-
20 19 remediation services under section 23b, a program that
21 incorporates extracurricular activities, or any other educational
22 program that is provided in person, online, digitally, by other
23 remote means, in a synchronous or asynchronous format, or through
24 any combination of these.

25 Sec. 98b. (1) From the state school aid fund money
26 appropriated in section 11, there is allocated \$363,000,000.00 for
27 2020-2021 to an eligible district described in subsection (3).

28 (2) To receive funding under this section, a district must
29 apply for the funding in a form and manner prescribed by the



1 department.

2 (3) A district that offers in-person, face-to-face instruction
 3 beginning by not later than February 15, 2021 to each pupil
 4 enrolled in the district for the remainder of the 2020-2021 school
 5 year for 5 days, excluding days that are a part of a previously
 6 scheduled period of time for which the district is not in session,
 7 of each week for the remainder of the school year is an eligible
 8 district under this section.

9 (4) From the funding allocated under subsection (1), the
 10 department shall pay each eligible district \$250.00 per membership
 11 pupil who participates in the in-person, face-to-face instruction
 12 offered by the district as described in subsection (3).

13 (5) Notwithstanding section 17b and except as otherwise
 14 provided in this subsection, the department shall make payments
 15 under this section on a schedule determined by the department. The
 16 department shall make all payments under this section by not later
 17 than April 1, 2021. Any funding under this section that is not
 18 distributed by the department under this section by April 1, 2021
 19 lapses to the state school aid fund.

20 Sec. 104a. (1) From the federal funding allocated under
 21 section 11n awarded to this state from the governor's emergency
 22 education relief (GEER) fund under the coronavirus response and
 23 relief supplemental appropriations act, 2021, Public Law 116-260,
 24 there is allocated for 2020-2021 an amount not to exceed
 25 \$11,719,195.00 to districts to begin implementation of a benchmark
 26 assessment system for the 2021-2022 school year. All of the
 27 following apply to the benchmark assessment system described in
 28 this subsection:

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



1 (i) That, within the first 9 weeks of the 2021-2022 school
 2 year, the district shall administer 1 or more benchmark assessments
 3 provided by a provider approved under section 104(9), benchmark
 4 assessments described in subdivision (b), or local benchmark
 5 assessments, or any combination thereof, to all pupils in grades K
 6 to 8 to measure proficiency in reading and mathematics.

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

15 (b) A district may administer 1 or more of the following
 16 benchmark assessments toward meeting the requirements under
 17 subdivision (a):

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

21 (ii) A benchmark assessment in math for students in grades K to
 22 8 that contains progress monitoring tools.

23 (c) The system must provide that, to the extent practicable,
 24 if a district administers a benchmark assessment or benchmark
 25 assessments under this section, the district shall administer the
 26 same benchmark assessment or benchmark assessments provided by a
 27 provider approved under section 104(9), benchmark assessment or
 28 benchmark assessments described in subdivision (b), or local
 29 benchmark assessment or local benchmark assessments that it



1 administered to pupils in previous school years, as applicable.

2 (d) The system must provide that, if a district administers a
3 benchmark assessment or benchmark assessments under this section,
4 the district shall provide each pupil's data from the benchmark
5 assessment or benchmark assessments, as available, to the pupil's
6 parent or legal guardian within 30 days of administering the
7 benchmark assessment or benchmark assessments.

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

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

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

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



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

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

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

8 (c) Be internet-delivered and include a standards-based
9 assessment.

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

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

13 (f) Be nationally normed.

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

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

24 Enacting section 1. In accordance with section 30 of article
25 IX of the state constitution of 1963, total state spending on
26 school aid under article I of the state school aid act of 1979,
27 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 147,
28 2020 PA 148, 2020 PA 149, 2020 PA 165, and this amendatory act,
29 from state sources for fiscal year 2020-2021 is estimated at



1 \$14,081,286,300.00 and state appropriations for school aid to be
2 paid to local units of government for fiscal year 2020-2021 are
3 estimated at \$13,909,289,200.00.

4 Enacting section 2. This amendatory act does not take effect
5 unless House Bill No. 4049 of the 101st Legislature is enacted into
6 law.

