

**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~~
5 ~~\$104,660,000.00 from the general fund, an amount not to exceed~~



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

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

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

27 **Sec. 11n. From the federal fund money appropriated under**
 28 **section 11, there is allocated for 2020-2021 an amount not to**
 29 **exceed \$125,658,900.00 from the federal funding awarded to this**



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

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

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

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



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

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

25 (4) From the state school aid fund money allocated under
26 subsection (1), there is allocated \$136,000,000.00 to eligible
27 districts as provided in this subsection. The department shall pay
28 each eligible district under this subsection an amount equal to the
29 product of the district's 2020-2021 pupils in membership multiplied



1 by the difference between \$450.00 and the district's ESSER formula
2 payment per pupil. A district to which all of the following apply
3 is an eligible district under this subsection:

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

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

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

27 (d) The district pledges that it will, beginning with the
28 first meeting after the effective date of the amendatory act that
29 added this subdivision, at each meeting of the board or board of



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

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

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

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

23 (8) As used in this section, "ESSER formula payment per pupil"
24 means an amount equal to the sum of the amount of funds the
25 district receives under subsection (2) and, if House Bill No. 4049
26 is enacted into law and effective within 14 days after House Bill
27 No. 4049 is presented to the governor, the amount of funds the
28 district receives under subsection (3) or, if House Bill No. 4049
29 is not enacted into law and effective within 14 days after House



1 Bill No. 4049 is presented to the governor, the amount of funds the
2 district would have received under subsection (3) if House Bill No.
3 4049 was enacted into law and effective within 14 days after House
4 Bill No. 4049 was presented to the governor, as applicable, divided
5 by the district's pupils in membership for the 2020-2021 school
6 year as calculated under section 6.

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

29 (6) Except as otherwise provided under subsection (15), if a



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

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

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

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

29 (c) Offer the virtual course on an open entry and exit method,



1 or aligned to a semester, trimester, or accelerated academic term
2 format.

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

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

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

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

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

24 (10) Except as otherwise provided under subsection (15), for a
25 pupil enrolled in 1 or more virtual courses, the primary district
26 shall use foundation allowance or per-pupil funds calculated under
27 section 20 to pay for the expenses associated with the virtual
28 course or courses. Except as otherwise provided under subsection
29 (15), a primary district is not required to pay toward the cost of



1 a virtual course an amount that exceeds 6.67% of the minimum
2 foundation allowance for the current fiscal year as calculated
3 under section 20.

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

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

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

27 (14) As used in this section:

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



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

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

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

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

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

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

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

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



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

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

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

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

14 (ii) The virtual course content outline.

15 (iii) The virtual course required assessments.

16 (iv) The virtual course prerequisites.

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

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

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

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

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

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



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

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

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

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

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

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

28 (a) An amount not to exceed \$90,000,000.00 from the federal
 29 funding allocated under subsection (1) for summer programs that are



1 offered as part of COVID-19 remediation services under this
2 section.

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

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

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

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

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

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

29 (b) In its application for funding under this section, the



1 district or intermediate district includes a COVID-19 remediation
2 services plan. A plan described in this subdivision must include at
3 least all of the following, as applicable:

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

6 (A) A description of the summer program.

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

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

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

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

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

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

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

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

29 (iii) For COVID-19 remediation services that include a before-



1 school, after-school, or before-and-after school program, all of
2 the following:

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

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

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

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

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

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

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



1 COVID-19 remediation services under this section.

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

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

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

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

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

29 (b) An eligible intermediate district may provide its COVID-19



1 remediation services to its constituent districts to provide to
2 eligible pupils.

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

28 (8) In awarding funding under this section, the department
29 shall prioritize funding under this section that is distributed for



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

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

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

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

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

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



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

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

- 28 (a) Community-based projects.
29 (b) Integrated kinesthetic or cognitive growth programs.



1 (c) STEM-based programs.

2 (d) Outdoor or adventure-based programs.

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

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

10 (13) As used in this section:

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

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

15 (i) A summer program.

16 (ii) A credit recovery program.

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

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

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

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

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

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

29 (iv) Is a program that was developed based on the input of



1 teachers and that is teacher-led.

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

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

7 (A) Any of the following apply:

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

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

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

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

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



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

6 (B) Any of the following apply:

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

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

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

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

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



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

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

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

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

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

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

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

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

26 Sec. 23c. (1) From the federal fund money allocated under
27 section 11n awarded to this state from the governor's emergency
28 education relief (GEER) fund under the coronavirus response and
29 relief supplemental appropriations act, 2021, division M of Public



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

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

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

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

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

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

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

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

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



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

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

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

17 (8) As used in this section:

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

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

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

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

29 (i) The individual holds a valid Michigan teaching certificate



1 or is otherwise permitted to teach in the public schools of this
2 state under law.

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

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

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

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

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

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

29 (b) The child described in subdivision (a) is at least age 5



1 but not older than age 18.

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

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

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

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

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

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

26 (6) If funds allocated under this section are insufficient to
27 fully fund calculations under this section, the department shall
28 apply proration in equal proportion to the amount the eligible
29 parent or eligible legal guardian would have received under this



1 section but for the application of proration under this subsection.

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

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

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

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

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

29 (b) Is a community-based organization that is exempt from



1 federal income tax under section 501(c)(3) of the internal revenue
2 code, 26 USC 501.

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

5 (4) The department shall determine the amount of grant funding
6 under this section that will be paid to each eligible entity.

7 However, in determining the amounts under this subsection, the
8 department shall ensure that both of the following are applied in
9 its determinations:

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

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

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

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

29 (b) Provide educational programming in core subject areas,



1 including, but not limited to, mathematics, reading, and science.

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

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

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



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

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

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



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

22 (6) From the state school aid fund money allocated under
 23 subsection (1), ~~there is allocated for 2019-2020 an amount not to~~
 24 ~~exceed \$23,000,000.00 and there is allocated for 2020-2021 an~~
 25 amount not to exceed ~~\$25,800,000.00~~ **\$45,800,000.00** to be
 26 distributed to intermediate districts for the provision of mental
 27 health and support services to general education students. From the
 28 funds allocated under this subsection, the department shall
 29 distribute ~~\$410,700.00 for 2019-2020 and \$460,700.00~~ **\$817,800.00**



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



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

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

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

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

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

29 (d) The extent of the district's existing partnerships with



1 community health care providers or the ability of the district to
2 establish such partnerships.

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

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

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

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

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

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

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

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

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

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



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

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

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



1 expand coverage.

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

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

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

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



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

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

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

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

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

25 (d) The system must provide that, if a district administers a
26 benchmark assessment or benchmark assessments under this section,
27 the district shall provide each pupil's data from the benchmark
28 assessment or benchmark assessments, as available, to the pupil's
29 parent or legal guardian within 30 days of administering the



1 benchmark assessment or benchmark assessments.

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

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

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

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

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

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



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

2 (c) Be internet-delivered and include a standards-based
3 assessment.

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

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

7 (f) Be nationally normed.

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

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

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

24 (2) Each district or intermediate district shall report to the
25 local health department in which it is located by November 1 of
26 each fiscal year, in a manner prescribed by the department of
27 ~~community health~~ **and human services**, the immunization status of
28 each pupil in grades K through 12 who enrolled in the district or
29 intermediate district for the first time or ~~, beginning in 2014~~



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

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



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

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



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

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

