

**SUBSTITUTE FOR
HOUSE BILL NO. 4421**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 11, 11n, 11r, 23b, 25i, and 31a (MCL 388.1611,
388.1611n, 388.1611r, 388.1623b, 388.1625i, and 388.1631a), section
11 as amended by 2021 PA 3, sections 11n, 11r, and 23b as added by
2021 PA 3, section 25i as added by 2020 PA 165, and section 31a as
amended by 2020 PA 165, and by adding sections 11o, 11t, 23d, and
201d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) For the fiscal year ending September 30, 2021,
2 there is appropriated for the public schools of this state and
3 certain other state purposes relating to education the sum of
4 \$13,759,819,500.00 from the state school aid fund, the sum of

1 \$50,964,600.00 from the general fund, an amount not to exceed
2 \$77,700,000.00 from the community district education trust fund
3 created under section 12 of the Michigan trust fund act, 2000 PA
4 489, MCL 12.262, and an amount not to exceed \$100.00 from the water
5 emergency reserve fund. In addition, all available federal funds
6 are **only** appropriated **as allocated in this article** for the fiscal
7 year ending September 30, 2021.

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

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

16 Sec. 11n. **(1)** From the federal ~~fund money~~ **funds** appropriated
17 under section 11, there is allocated for 2020-2021 an amount not to
18 exceed \$125,658,900.00 from the federal funding awarded to this
19 state from the governor's emergency education relief (GEER) fund
20 under the coronavirus response and relief supplemental
21 appropriations act, 2021, division M of Public Law 116-260, and
22 there is allocated for 2020-2021 an amount not to exceed
23 ~~\$1,650,759,800.00~~ **\$1,656,308,286.00** from the federal funding
24 awarded to this state from the elementary and secondary school
25 emergency relief (ESSER) fund under the coronavirus response and
26 relief supplemental appropriations act, 2021, division M of Public
27 Law 116-260.

28 **(2) From the federal funds appropriated under section 11,**
29 **there is allocated for 2020-2021 an amount not to exceed**

1 \$3,713,833,000.00 from the federal funding awarded to this state
 2 from the elementary and secondary school emergency relief (ESSER)
 3 fund under the American rescue plan act of 2021, title II, subtitle
 4 A, part 1 of Public Law 117-2, and there is allocated for 2020-2021
 5 an amount not to exceed \$65,000,000.00 from the federal funding
 6 awarded to this state from the coronavirus state fiscal recovery
 7 fund under the American rescue plan act of 2021, title IX, subtitle
 8 M of Public Law 117-2.

9 Sec. 11o. (1) From the federal funds 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 (2) From the federal funds appropriated under section 11,
 19 there is allocated for 2020-2021 an amount not to exceed
 20 \$93,023,000.00 from the federal funding awarded to this state under
 21 the American rescue plan act of 2021, title II, subtitle A, part 1
 22 of Public Law 117-2, for emergency assistance to nonpublic schools
 23 as provided under section 2002 of the American rescue plan act of
 24 2021, title II, subtitle A, part 1 of Public Law 117-2.

25 Sec. 11r. (1) From the federal ~~fund money~~ **funds** allocated
 26 under section 11n, there is allocated for 2020-2021 an amount not
 27 to exceed ~~\$1,493,410,500.00~~ **\$1,498,958,986.00** from the federal
 28 funding awarded to this state from the elementary and secondary
 29 school emergency relief (ESSER) fund under the coronavirus response

1 and relief supplemental appropriations act, 2021, division M of
2 Public Law 116-260, **and there is allocated an amount not to exceed**
3 **\$3,709,833,000.00 from the federal funding awarded to this state**
4 **from the elementary and secondary school emergency relief (ESSER)**
5 **fund under the American rescue plan act of 2021, title II, subtitle**
6 **A, part 1 of Public Law 117-2,** and from the state school aid fund
7 money appropriated under section 11, there is allocated
8 \$136,000,000.00, for the purposes of this section.

9 (2) From the federal funds allocated under subsection (1),
10 \$650,000,000.00 **from the federal funding awarded to this state from**
11 **the elementary and secondary school emergency relief (ESSER) fund**
12 **under the coronavirus response and relief supplemental**
13 **appropriations act, 2021, division M of Public Law 116-260,** is
14 allocated for payments to districts as provided under this
15 subsection. From the funds allocated in this subsection, the
16 department shall pay each district in proportion to the amount of
17 funds the district received under part A of title I of the
18 elementary and secondary education act of 1965, Public Law 103-382,
19 in the most recent fiscal year. The funding under this subsection
20 is a portion of the funding that is designated as subgrants to
21 local educational agencies as provided under section 313(c) of the
22 coronavirus response and relief supplemental appropriations act,
23 2021, division M of Public Law 116-260.

24 (3) Except as otherwise provided in this subsection, from the
25 federal funds allocated under subsection (1), \$840,677,500.00 **from**
26 **the federal funding awarded to this state from the elementary and**
27 **secondary school emergency relief (ESSER) fund under the**
28 **coronavirus response and relief supplemental appropriations act,**
29 **2021, division M of Public Law 116-260,** is allocated for payments

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

15 **(4) Except as otherwise provided in this subsection, from the**
16 **federal funds allocated under subsection (1), \$840,677,500.00 from**
17 **the federal funding awarded to this state from the elementary and**
18 **secondary school emergency relief (ESSER) fund under the**
19 **coronavirus response and relief supplemental appropriations act,**
20 **2021, division M of Public Law 116-260, is allocated for payments**
21 **to districts as provided under this subsection. From the funds**
22 **allocated in this subsection, the department shall pay each**
23 **district in proportion to the amount of funds the district received**
24 **under part A of title I of the elementary and secondary education**
25 **act of 1965, Public Law 103-382, in the most recent fiscal year.**
26 **The funding under this subsection is a portion of the funding that**
27 **is designated as subgrants to local educational agencies as**
28 **provided under section 313(c) of the coronavirus response and**
29 **relief supplemental appropriations act, 2021, division M of Public**

1 **Law 116-260.**

2 (5) ~~(4)~~ From the state school aid fund money allocated under
 3 subsection (1), there is allocated \$136,000,000.00 to eligible
 4 districts as provided in this subsection. ~~The Subject to subsection~~
 5 ~~(14), the~~ department shall pay each eligible district under this
 6 subsection an amount equal to the product of the district's 2020-
 7 2021 pupils in membership multiplied by the difference between
 8 \$450.00 and the district's ESSER **II** formula payment per pupil. A
 9 district ~~to which all of the following apply~~ **that has an ESSER II**
 10 **formula payment per pupil that is less than \$450.00** is an eligible
 11 district under this subsection.

12 ~~(a) The district's ESSER formula payment per pupil is less~~
 13 ~~than \$450.00.~~

14 ~~(b) By not later than March 22, 2021, excluding days that are~~
 15 ~~part of a previously scheduled period of time for which the~~
 16 ~~district is not in session, the district offers in-person~~
 17 ~~instruction at least 20 hours each school week if the district's~~
 18 ~~school week includes 5 school days or, if the district's school~~
 19 ~~week does not include 5 school days, offers in-person instruction~~
 20 ~~in an amount of hours necessary each school week to provide the~~
 21 ~~instruction it would have provided in 20 hours for a 5-school-day~~
 22 ~~school week to all pupils enrolled in the district, regardless of~~
 23 ~~whether or not all pupils enrolled in the district participate in~~
 24 ~~the in-person instruction offered. This subdivision does not apply~~
 25 ~~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. As~~
 27 ~~used in this subdivision, "in-person instruction" means instruction~~
 28 ~~that a pupil receives while he or she is physically present at a~~
 29 ~~school building designated by the district in which he or she is~~

1 ~~enrolled.~~

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

6 ~~(d) The district pledges that it will, beginning with the~~
 7 ~~first meeting after the effective date of the amendatory act that~~
 8 ~~added this subdivision, at each meeting of the board or board of~~
 9 ~~directors, as applicable, of the district during which the district~~
 10 ~~reconfirms how instruction is going to be delivered under section~~
 11 ~~98a, confirm that it is offering instruction to pupils as described~~
 12 ~~in subdivision (b). This subdivision does not apply to a district~~
 13 ~~that operates as a cyber school as that term is defined in section~~
 14 ~~551 of the revised school code, MCL 380.551.~~

15 ~~(6) (5)~~ Funds received by districts under ~~this section~~
 16 **subsections (2) and (4)** must be used for the purposes described in
 17 section 313(d) of the coronavirus response and relief supplemental
 18 appropriations act, 2021, division M of Public Law 116-260.

19 ~~(7) (6)~~ In order to receive funding under ~~this section,~~
 20 **subsections (2), (4), and (5),** a district must submit a spending
 21 plan to the department by not later than ~~45 days after the~~
 22 ~~effective date of the amendatory act that added this section.~~ **April**
 23 **23, 2021, and in order to receive funding under subsection (5), a**
 24 **district must submit a spending plan to the department by not later**
 25 **than June 18, 2021.** A spending plan described in this subsection
 26 must include the district's estimated spending of funds received
 27 under this section for the purposes described in subsection ~~(5),~~
 28 **(6),** disaggregated by the type of service provided. The department
 29 shall send a report concerning the spending plans received under

1 this subsection to the legislature.

2 (8) From the federal funds allocated under subsection (1),
3 \$3,347,849,700.00 from the federal funding awarded to this state
4 from the elementary and secondary school emergency relief (ESSER)
5 fund under the American rescue plan act of 2021, title II, subtitle
6 A, part 1 of Public Law 117-2, is allocated for payments to
7 districts as provided under this subsection. From the funds
8 allocated under this subsection, the department shall pay each
9 district in proportion to the amount of funds the district received
10 under part A of title I of the elementary and secondary education
11 act of 1965, Public Law 103-382, in the most recent fiscal year.
12 The funding under this subsection is designated as subgrants to
13 local educational agencies as provided under section 2001(d) of the
14 American rescue plan act of 2021, title II, subtitle A, part 1 of
15 Public Law 117-2.

16 (9) Funds received by districts under subsection (8) must be
17 used for the purposes described in section 2001(e) of the American
18 rescue plan act of 2021, title II, subtitle A, part 1 of Public Law
19 117-2, including that not less than 20% of the funds must be
20 reserved to address learning loss through the implementation of
21 evidence-based interventions and to ensure that such interventions
22 respond to students' academic, social, and emotional needs and
23 address the disproportionate impact of COVID-19 on the student
24 subgroups described in section 6311(b)(2)(B)(xi) of 20 USC 6311;
25 students experiencing homelessness; and children and youth in
26 foster care.

27 (10) From the federal funds allocated under section 11n, there
28 is allocated for 2020-2021 an amount not to exceed \$361,983,300.00
29 from the federal funding awarded to this state from the elementary

1 and secondary school emergency relief (ESSER) fund under the
 2 American rescue plan act of 2021, title II, subtitle A, part 1 of
 3 Public Law 117-2, to eligible districts as provided in this
 4 subsection. **Subject to subsection(15), the** department shall pay
 5 each eligible district under this subsection an amount equal to the
 6 product of the district's 2020-2021 pupils in membership multiplied
 7 by the difference between \$1,093.00 and the district's ESSER III
 8 formula payment per pupil. A district **that has an ESSER III formula**
 9 **payment per pupil that is less than \$1,093.00** is an eligible
 10 district under this subsection(11) Both of the following apply to
 11 the funding under subsection (10):

12 (a) An eligible district shall dedicate the following
 13 percentages of a payment received under subsection (10) as follows,
 14 in accordance with the requirements under section 2001(f) of the
 15 American rescue plan act of 2021, title II, subtitle A, part 1 of
 16 Public Law 117-2:

17 (i) At least 50.0% for activities to address learning loss by
 18 supporting the implementation of evidence-based interventions.

19 (ii) At least 10.3% for the implementation of evidence-based
 20 summer enrichment programs.

21 (iii) At least 10.3% for the implementation of evidence-based
 22 comprehensive after-school programs.

23 (b) In accordance with section 2001(f) of the American rescue
 24 plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2,
 25 an eligible district must ensure that the interventions,
 26 activities, and programs under subdivision (a) respond to students'
 27 academic, social, and emotional needs and address the
 28 disproportionate impact of COVID-19 on the student subgroups
 29 described in section 6311(b) (2) (B) (xi) of 20 USC 6311; students

1 experiencing homelessness; and children and youth in foster care.

2 (12) In order to receive funding under subsection (8), a
 3 district must submit a spending plan to the department by not later
 4 than 45 days after the effective date of the amendatory act that
 5 added this subsection and, in order to receive funding under
 6 subsection (10), a district must submit a spending plan to the
 7 department by not later than June 18, 2021". A spending plan
 8 described in this subsection must include the district's estimated
 9 spending of funds received under subsections (8) and (10) for the
 10 purposes described in subsections (9) and (11), disaggregated by
 11 the type of service provided. A district shall also post the
 12 spending plan described in this subsection on its website.

13 (13) ~~(7)~~ From the federal funds allocated under subsection
 14 (1), there is allocated ~~\$2,733,000.00~~ \$8,281,486.00 from the
 15 federal funding awarded to this state from the elementary and
 16 secondary school emergency relief (ESSER) fund under the
 17 coronavirus response and relief supplemental appropriations act,
 18 2021, division M of Public Law 116-260, to the department for
 19 administrative costs in implementing this section.

20 (14) The department shall make payments to districts under
 21 subsection (5) in the following proportions: (a) Subject to
 22 subdivisions (f) and (g), 100% of a payment under subsection (5)
 23 must be made to a district, excluding a district that is a cyber
 24 school or an approved district, that, from April 12, 2021 through
 25 June 4, 2021, excluding days that are part of a previously
 26 scheduled period of time for which the district is not in session,
 27 offered in-person instruction at least an average of 25 hours each
 28 school week based on the total number of hours offered during the
 29 period described in this subdivision, if the district's school week

1 includes 5 school days or, if the district's school week does not
2 include 5 school days, offered in-person instruction in an amount
3 of hours necessary each school week to provide the instruction it
4 would have provided in an average of 25 hours each school week for
5 a 5-school-day school week during the period described in this
6 subdivision to all pupils enrolled in the district, regardless of
7 whether or not all pupils enrolled in the district participated in
8 the in-person instruction offered. As used in this subdivision,
9 "in-person instruction" means instruction that a pupil receives
10 while he or she is physically present at a school building
11 designated by the district in which he or she is enrolled. (b) Only
12 75% of a payment under subsection (5) must be made to a district,
13 excluding a district that is a cyber school or an approved
14 district, that, from April 12, 2021 through June 4, 2021, excluding
15 days that are part of a previously scheduled period of time for
16 which the district is not in session, offered in-person instruction
17 at least an average of 20 hours each school week based on the total
18 number of hours offered during the period described in this
19 subdivision, if the district's school week includes 5 school days
20 or, if the district's school week does not include 5 school days,
21 offered in-person instruction in an amount of hours necessary each
22 school week to provide the instruction it would have provided in an
23 average of 20 hours each school week for a 5-school-day school week
24 during the period described in this subdivision to all pupils
25 enrolled in the district, regardless of whether or not all pupils
26 enrolled in the district participated in the in-person instruction
27 offered. As used in this subdivision, "in-person instruction" means
28 instruction that a pupil receives while he or she is physically
29 present at a school building designated by the district in which he

1 or she is enrolled. (c) Only 50% of a payment under subsection (5)
2 must be made to a district, excluding a district that is a cyber
3 school or an approved district, that, from April 12, 2021 through
4 June 4, 2021, excluding days that are part of a previously
5 scheduled period of time for which the district is not in session,
6 offered in-person instruction at least an average of 15 hours each
7 school week based on the total number of hours offered during the
8 period described in this subdivision, if the district's school week
9 includes 5 school days or, if the district's school week does not
10 include 5 school days, offered in-person instruction in an amount
11 of hours necessary each school week to provide the instruction it
12 would have provided in an average of 15 hours each school week for
13 a 5-school-day school week during the period described in this
14 subdivision to all pupils enrolled in the district, regardless of
15 whether or not all pupils enrolled in the district participated in
16 the in-person instruction offered. As used in this subdivision,
17 "in-person instruction" means instruction that a pupil receives
18 while he or she is physically present at a school building
19 designated by the district in which he or she is enrolled. (d) Only
20 25% of a payment under subsection (5) must be made to a district,
21 excluding a district that is a cyber school or an approved
22 district, that, from April 12, 2021 through June 4, 2021, excluding
23 days that are part of a previously scheduled period of time for
24 which the district is not in session, offered in-person instruction
25 at least an average of 10 hours each school week based on the total
26 number of hours offered during the period described in this
27 subdivision, if the district's school week includes 5 school days
28 or, if the district's school week does not include 5 school days,
29 offered in-person instruction in an amount of hours necessary each

1 school week to provide the instruction it would have provided in an
2 average of 10 hours each school week for a 5-school-day school week
3 during the period described in this subdivision to all pupils
4 enrolled in the district, regardless of whether or not all pupils
5 enrolled in the district participated in the in-person instruction
6 offered. As used in this subdivision, "in-person instruction" means
7 instruction that a pupil receives while he or she is physically
8 present at a school building designated by the district in which he
9 or she is enrolled. (e) Zero percent of a payment under subsection
10 (5) must be made to a district that is not a cyber school or an
11 approved district and that does not meet any of subdivisions (a) to
12 (d). (f) One hundred percent of a payment under subsection (5) must
13 be made to a district that is a cyber school. (g) One hundred
14 percent of a payment under subsection (5) must be made to a
15 district that is an approved district. (15) The department shall
16 make payments under subsection (10) in the following proportions:
17 (a) Subject to subdivision (f), 100% of a payment under subsection
18 (10) must be made to a district, excluding a district that is a
19 cyber school, that, from April 12, 2021 through June 4, 2021,
20 excluding days that are part of a previously scheduled period of
21 time for which the district is not in session, offered in-person
22 instruction at least an average of 25 hours each school week based
23 on the total number of hours offered during the period described in
24 this subdivision, if the district's school week includes 5 school
25 days or, if the district's school week does not include 5 school
26 days, offered in-person instruction in an amount of hours necessary
27 each school week to provide the instruction it would have provided
28 in an average of 25 hours each school week for a 5-school-day
29 school week during the period described in this subdivision to all

1 pupils enrolled in the district, regardless of whether or not all
2 pupils enrolled in the district participated in the in-person
3 instruction offered. As used in this subdivision, "in-person
4 instruction" means instruction that a pupil receives while he or
5 she is physically present at a school building designated by the
6 district in which he or she is enrolled. (b) Only 75% of a payment
7 under subsection (10) must be made to a district, excluding a
8 district that is a cyber school, that, from April 12, 2021 through
9 June 4, 2021, excluding days that are part of a previously
10 scheduled period of time for which the district is not in session,
11 offered in-person instruction at least an average of 20 hours each
12 school week based on the total number of hours offered during the
13 period described in this subdivision, if the district's school week
14 includes 5 school days or, if the district's school week does not
15 include 5 school days, offered inperson instruction in an amount of
16 hours necessary each school week to provide the instruction it
17 would have provided in an average of 20 hours each school week for
18 a 5-school-day school week during the period described in this
19 subdivision to all pupils enrolled in the district, regardless of
20 whether or not all pupils enrolled in the district participated in
21 the in-person instruction offered. As used in this subdivision,
22 "in-person instruction" means instruction that a pupil receives
23 while he or she is physically present at a school building
24 designated by the district in which he or she is enrolled. (c) Only
25 50% of a payment under subsection (10) must be made to a district,
26 excluding a district that is a cyber school, that, from April 12,
27 2021 through June 4, 2021, excluding days that are part of a
28 previously scheduled period of time for which the district is not
29 in session, offered in-person instruction at least an average of 15

1 hours each school week based on the total number of hours offered
2 during the period described in this subdivision, if the district's
3 school week includes 5 school days or, if the district's school
4 week does not include 5 school days, offered inperson instruction
5 in an amount of hours necessary each school week to provide the
6 instruction it would have provided in an average of 15 hours each
7 school week for a 5-school-day school week during the period
8 described in this subdivision to all pupils enrolled in the
9 district, regardless of whether or not all pupils enrolled in the
10 district participated in the in-person instruction offered. As used
11 in this subdivision, "in-person instruction" means instruction that
12 a pupil receives while he or she is physically present at a school
13 building designated by the district in which he or she is enrolled.
14 (d) Only 25% of a payment under subsection (10) must be made to a
15 district, excluding a district that is a cyber school, that, from
16 April 12, 2021 through June 4, 2021, excluding days that are part
17 of a previously scheduled period of time for which the district is
18 not in session, offered in-person instruction at least an average
19 of 10 hours each school week based on the total number of hours
20 offered during the period described in this subdivision, if the
21 district's school week includes 5 school days or, if the district's
22 school week does not include 5 school days, offered inperson
23 instruction in an amount of hours necessary each school week to
24 provide the instruction it would have provided in an average of 10
25 hours each school week for a 5-school-day school week during the
26 period described in this subdivision to all pupils enrolled in the
27 district, regardless of whether or not all pupils enrolled in the
28 district participated in the in-person instruction offered. As used
29 in this subdivision, "in-person instruction" means instruction that

1 a pupil receives while he or she is physically present at a school
2 building designated by the district in which he or she is enrolled.

3 (e) Zero percent of a payment under subsection (10) must be made to
4 a district that is not a cyber school and that does not meet any of
5 subdivisions (a) to (d). (f) One hundred percent of a payment under
6 subsection (10) must be made to a district that is a cyber school.

7 (16) The department shall make all payments under this section by
8 not later than July 2, 2021. (17) To receive funding under

9 subsection (5) or (10), a district must submit an application for
10 the funding, in a form and manner prescribed by the department, by
11 not later than June 18, 2021. If, by the effective date of the
12 amendatory act that added this subsection, a district has already
13 submitted an application for funding under subsection (5) and that
14 application was approved by the department, the district is not
15 required to submit another application for funding under subsection
16 (5) under this subsection.

17 (15) ~~(8)~~ As used in this section: ~~7~~

18 "(a) "Approved district" means a district that is not a cyber
19 school that submitted an application for funding under subsection
20 (5) that was approved before the effective date of the amendatory
21 act that added subsection (17).

22 (b) "Cyber school" means that term as defined in section 551
23 of the revised school code, MCL 380.551."

24 (c) "ESSER II formula payment per pupil" means an amount equal
25 to the sum of the amount of funds the district receives under
26 subsection (2) and ~~7, if House Bill No. 4049 is enacted into law and~~
27 ~~effective within 14 days after House Bill No. 4049 is presented to~~
28 ~~the governor, the amount of funds the district receives under~~
29 ~~subsection (3) or, if House Bill No. 4049 is not enacted into law~~

1 ~~and effective within 14 days after House Bill No. 4049 is presented~~
 2 ~~to the governor,~~ the amount of funds the district would have
 3 received under subsection (3) if House Bill No. 4049 **of the 101st**
 4 **Legislature** was enacted into law and effective within 14 days after
 5 House Bill No. 4049 was presented to the governor ~~, as applicable,~~
 6 divided by the district's pupils in membership for the 2020-2021
 7 school year as calculated under section 6.

8 (d) "ESSER III formula payment per pupil" means an amount
 9 equal to the amount of funds the district receives under subsection
 10 (8) divided by the district's pupils in membership for the 2020-
 11 2021 school year as calculated under section 6.

12 Sec. 11t. (1) From the federal funds allocated under section
 13 11n, there is allocated for 2020-2021 an amount not to exceed
 14 \$45,000,000.00 from the federal funding awarded to this state from
 15 the coronavirus state fiscal recovery fund under the American
 16 rescue plan act of 2021, title IX, subtitle M of Public Law 117-2,
 17 for competitive grants to districts to update their HVAC systems or
 18 provide devices to improve indoor air quality.

19 (2) A district seeking a grant under this section must apply
 20 for the grant to the department, in a form and manner prescribed by
 21 the department, by not later than September 1, 2021. By not later
 22 than June 1, 2021, the department shall develop and make available
 23 an application process for applying for grants under this section.
 24 The department shall select the districts that will receive grants
 25 under this section and provide notice of its selections by not
 26 later than September 30, 2021.

27 (3) The department shall award grants under this section on a
 28 competitive basis, but shall place priority in awarding grants to
 29 certain districts based on the following criteria:

1 (a) The amount of elementary and secondary school emergency
2 relief (ESSER) fund funding the district received or will receive
3 under the coronavirus response and relief supplemental
4 appropriations act, 2021, division M of Public law 116-260, and the
5 American rescue plan act of 2021, title II, subtitle A, part 1 of
6 Public Law 117-2. The highest amount of priority under this
7 subsection must be given to the applicant districts that received
8 the least amount of elementary and secondary school emergency
9 relief (ESSER) fund funding described in this subdivision, and the
10 amount of priority given under this subsection must decrease as the
11 amount of elementary and secondary school emergency relief (ESSER)
12 fund funding described in this subdivision each applicant district
13 received increases.

14 (b) Whether the board of the district has adopted a resolution
15 stating that the district will implement, for the first time, a
16 balanced calendar instructional program beginning with the 2021-
17 2022 school year for at least 1 school operated by the district. A
18 district for which the board has adopted a resolution as described
19 in this subdivision must receive higher priority under this
20 subsection than a district for which the board did not adopt a
21 resolution as described in this subdivision.

22 (4) Each district that applies for a grant under this section
23 must not be awarded more than 1 grant under this section and each
24 grant awarded to a district under this section must be in an amount
25 not exceeding \$5,000,000.00.

26 (5) The funding allocated under this section for 2020-2021 may
27 be carried forward into 2021-2022.

28 (6) As used in this section, "HVAC system" means heating,
29 ventilation, and air conditioning system.

1 Sec. 23b. (1) From the federal fund money allocated under
2 section 11n awarded to this state from the elementary and secondary
3 school emergency relief (ESSER) fund under the coronavirus response
4 and relief supplemental appropriations act, 2021, division M of
5 Public Law 116-260, there is allocated for 2020-2021 an amount not
6 to exceed \$152,400,000.00, and from the state school aid fund money
7 appropriated under section 11, there is allocated for 2020-2021 an
8 amount not to exceed \$10,000,000.00 to eligible districts and
9 eligible intermediate districts described in subsection (4) to be
10 used for COVID-19 remediation services in the manner described in
11 subsection (6).

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

14 (a) An amount not to exceed \$90,000,000.00 from the federal
15 funding allocated under subsection (1) for summer programs that are
16 offered as part of COVID-19 remediation services under this
17 section.

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

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

26 (d) An amount not to exceed \$10,000,000.00 from the state
27 school aid fund money allocated under subsection (1) for additional
28 payments for summer programs and credit recovery programs that are
29 offered as part of COVID-19 remediation services under this section

1 that the department's innovation council designates as innovative
2 under subsection (11).

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

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

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

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

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

21 (A) A description of the summer program.

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

24 (C) An estimate of costs for the preparation and
25 implementation of the summer program.

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

1 innovative.

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

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

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

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

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

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

18 (A) A description of the before-school, after-school, or
19 before-and-after school program.

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

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

26 (D) Assurance that the before-school, after-school, or before-
27 and-after school program is designed to emphasize remediation for
28 eligible pupils.

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

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

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

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

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

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

27 (d) In addition to the amounts distributed under subdivisions
28 (a) and (b), an amount not to exceed \$100.00 for each eligible
29 pupil who, based on the application for funding under this section,

1 will be enrolled or is enrolled in the eligible district's or
2 eligible intermediate district's summer program or credit recovery
3 program, as applicable, if the program or programs have been
4 designated as innovative under subsection (11).

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

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

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

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

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

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

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

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

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

29 (9) A before-school, after-school, or before-and-after school

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

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

1 intermediate district shall refund the department in the amount of
2 the overpayment.

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

14 (a) Community-based projects.

15 (b) Integrated kinesthetic or cognitive growth programs.

16 (c) STEM-based programs.

17 (d) Outdoor or adventure-based programs.

18 (e) Any programs that integrate public and private
19 partnerships.

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

25 (13) As used in this section:

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

28 (b) "COVID-19 remediation services" means any of the
29 following:

1 (i) A summer program.

2 (ii) A credit recovery program.

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

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

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

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

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

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

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

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

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

22 (A) Any of the following apply:

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

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

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

4 (IV) The child was enrolled, for the 2020-2021 school year, in
5 the eligible district, eligible intermediate district, or a
6 constituent district of the eligible intermediate district that
7 provides the summer program to the child under this section.

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

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

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

25 (B) Any of the following apply:

26 (I) The child has failed 1 or more credits or courses in the
27 2020-2021 school year.

28 (II) The child is not on track to graduate from high school,
29 as determined by the eligible district, eligible intermediate

1 district, or constituent district of the eligible intermediate
2 district in which the child was enrolled as described in sub-
3 subparagraph (A).

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

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

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

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

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

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

29 (d) (i) who was enrolled in any of grades K to 8 in the 2020-2021

1 school year.

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

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

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

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

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

16 **Sec. 23d. (1) From the federal funds allocated under section**
17 **11n from the federal funding awarded to this state from the**
18 **governor's emergency education relief (GEER) fund under the**
19 **coronavirus response and relief supplemental appropriations act,**
20 **2021, division M of Public Law 116-260, there is allocated for**
21 **2020-2021 an amount not to exceed \$10,000,000.00 for the purposes**
22 **of this section. The department shall establish a grant program to**
23 **distribute this funding to eligible parents and eligible legal**
24 **guardians described in subsection (3).**

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

1 September 1, 2021.

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

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

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

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

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

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

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

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

29 (5) The department shall make all payments to an eligible

1 parent or eligible legal guardian under this section by not later
2 than 29 days after an application for funding under this section is
3 received.

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

9 (7) As used in this section, "summer programming" means an
10 educational enrichment program, including, but not limited to, a
11 summer program or credit recovery program offered as part of COVID-
12 19 remediation services under section 23b, a program that
13 incorporates extracurricular activities, or any other educational
14 program that is provided in person, online, digitally, by other
15 remote means, in a synchronous or asynchronous format, or through
16 any combination of these.

17 Sec. 25i. (1) From the general fund money appropriated in
18 section 11, there is allocated for 2020-2021 an amount not to
19 exceed \$2,000,000.00 and from the federal funds allocated under
20 section 11n, there is allocated for 2020-2021 an amount not to
21 exceed \$4,000,000.00 from the federal funding awarded to this state
22 from the elementary and secondary school emergency relief (ESSER)
23 fund under the American rescue plan act of 2021, title II, subtitle
24 A, part 1 of Public Law 117-2, for an eligible attendance recovery
25 program as described in subsection (3). The funds allocated under
26 this section must be used to administer an eligible attendance
27 recovery program for all districts that opt into the program to
28 serve eligible pupils described in subsection (2).

29 (2) A pupil who meets any of the following and who is enrolled

1 in a district that opts into the attendance recovery program funded
2 under this section is an eligible pupil under this section:

3 (a) The pupil did not engage in the district's remote
4 continuous education offerings in spring 2020.

5 (b) The pupil needs intervention based on his or her absences
6 or consistent disengagement in classes.

7 (c) The pupil is in danger of failing 1 or more classes.

8 (d) The pupil is eligible under the McKinney-Vento
9 homelessness assistance act, Public Law 100-77, or is in foster
10 care.

11 (e) The pupil's family requires financial or social support.

12 (f) The pupil has disengaged in his or her education, is
13 attending school irregularly, or is not progressing in his or her
14 coursework.

15 (3) An attendance recovery program that meets all of the
16 following is an eligible attendance recovery program under this
17 section:

18 (a) Reflects experience and successful outcomes running
19 statewide student recovery programs.

20 (b) Has, at a minimum, 2 years of experience working with this
21 state's local education agencies.

22 (c) Has multimodal contact capabilities that include, but are
23 not limited to, a call center, ~~electronic mail, email~~, text,
24 social-media matching, and public service announcements.

25 (d) Reflects experience in assisting at-risk students in
26 overcoming learning barriers in a remote or online learning
27 environment.

28 (e) Has the ability to scale to provide outreach to at least
29 20,000 students before the end of 2020.

1 (4) The department shall choose and designate the provider of
2 the eligible attendance recovery program under this section by not
3 later than November 1, 2020. The provider chosen and designated by
4 the department under this subsection must do all of the following:

5 (a) Work with the department to notify districts about the
6 program and provide technical assistance to districts interested in
7 opting in.

8 (b) Work with each district to obtain contact information for
9 each eligible pupil.

10 (c) Provide outreach using differentiated treatment strategies
11 to pupils and families using multiple modalities that may include
12 phone, text, social media, ~~electronic mail, email~~, and traditional
13 mail, to find and engage eligible pupils.

14 (d) Implement a culturally and linguistically responsive
15 outreach and support plan. Elements of the plan must include
16 differentiated outreach and ongoing coaching strategies to families
17 to ensure cultural and linguistic relevance.

18 (e) Use information about barriers to engagement gathered from
19 pupils and families to assign eligible pupils to an ongoing support
20 level. Ongoing support levels described in this subdivision must
21 include a minimum of 3 support tiers following the general design
22 of response to intervention (RTI) models.

23 (f) For eligible pupils and their families, provide a coach to
24 deliver interventions in accordance with the pupil's needs and the
25 framework of his or her assigned ongoing support level.

26 (g) Report weekly to each district that has opted into the
27 program and to the department with metrics agreed upon by the
28 provider and the department.

29 (5) Notwithstanding section 17b, the department shall make

1 payments under this section by not later than ~~December 1,~~
 2 ~~2020.~~**September 30, 2021.**

3 Sec. 31a. (1) From the state school aid fund money
 4 appropriated in section 11, there is allocated for 2020-2021 an
 5 amount not to exceed \$535,150,000.00, **and from the federal money**
 6 **allocated under section 11n, there is allocated an amount not to**
 7 **exceed \$20,000,000.00 from the federal funding awarded to this**
 8 **state from the coronavirus state fiscal recovery fund under the**
 9 **American rescue plan act of 2021, title IX, subtitle M of Public**
 10 **Law 117-2,** for payments to eligible districts and eligible public
 11 school academies for the purposes of ensuring that pupils are
 12 proficient in English language arts by the end of grade 3, that
 13 pupils are proficient in mathematics by the end of grade 8, that
 14 pupils are attending school regularly, that high school graduates
 15 are career and college ready, and for the purposes under
 16 subsections (7) and (8).

17 (2) For a district that has combined state and local revenue
 18 per membership pupil under section 20 that is greater than the
 19 target foundation allowance under section 20 for the current fiscal
 20 year and that, for the immediately preceding fiscal year, had
 21 combined state and local revenue per membership pupil under section
 22 20 that was greater than the target foundation allowance under
 23 section 20 that was in effect for that fiscal year, the allocation
 24 under this section is an amount equal to 30% of the allocation for
 25 which it would otherwise be eligible under this section before any
 26 proration under subsection (14). It is the intent of the
 27 legislature that, if revenues are sufficient and if districts with
 28 combined state and local revenue per membership pupil under section
 29 20 that is below the target foundation allowance are receiving

1 nonprorated payments under this section, the percentage in the
2 immediately preceding sentence must be increased annually until it
3 reaches 100%. If a district has combined state and local revenue
4 per membership pupil under section 20 that is greater than the
5 target foundation allowance under section 20 for the current fiscal
6 year, but for the 2018-2019 fiscal year had combined state and
7 local revenue per membership pupil under section 20 that was less
8 than the basic foundation allowance under section 20 that was in
9 effect for the 2018-2019 fiscal year, the district shall receive an
10 amount per pupil equal to 11.5% of the statewide weighted average
11 foundation allowance, as applied under subsection (4), and before
12 any proration under subsection (14).

13 (3) For a district or public school academy to be eligible to
14 receive funding under this section, other than funding under
15 subsection (7) or (8), the district or public school academy, for
16 grades K to 12, must comply with the requirements under section
17 1280f of the revised school code, MCL 380.1280f, and shall use
18 resources to address early literacy and numeracy, and for at least
19 grades K to 12 or, if the district or public school academy does
20 not operate all of grades K to 12, for all of the grades it
21 operates, must implement a multi-tiered system of supports that is
22 an evidence based framework that uses data driven problem solving
23 to integrate academic and behavioral instruction and that uses
24 intervention delivered to all pupils in varying intensities based
25 on pupil needs. The multi-tiered system of supports described in
26 this subsection must provide at least all of the following
27 essential components:

28 (a) Team-based leadership.

29 (b) A tiered delivery system.

(c) Selection and implementation of instruction, interventions, and supports.

(d) A comprehensive screening and assessment system.

(e) Continuous data-based decision making.

(4) From the ~~funds~~**state school aid fund money** allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed \$510,000,000.00 to continue a weighted foundation per pupil payment for districts and public school academies enrolling economically disadvantaged pupils. The department shall pay under this section to each eligible district or eligible public school academy an amount per pupil equal to 11.5% of the statewide weighted average foundation allowance for the following, as applicable:

(a) Except as otherwise provided under subdivision (b), (c), or (d) the greater of the following:

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

(ii) If the district or public school academy is in the community eligibility program, the number of pupils determined to be eligible based on the product of the identified student percentage multiplied by the total number of pupils in the district or public school academy, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the immediately preceding fiscal year. These calculations must be made at the building level. This subparagraph only applies to an eligible district or eligible

1 public school academy for the fiscal year immediately following the
2 first fiscal year in which it is in the community eligibility
3 program. As used in this subparagraph, "identified student
4 percentage" means the quotient of the number of pupils in an
5 eligible district or eligible public school academy who are
6 determined to be economically disadvantaged, as reported to the
7 center in a form and manner prescribed by the center, not later
8 than the fifth Wednesday after the pupil membership count day in
9 the fiscal year preceding the first fiscal year in which the
10 eligible district or eligible public school academy is in the
11 community eligibility program, divided by the total number of
12 pupils counted in an eligible district or eligible public school
13 academy on the pupil membership count day in the fiscal year
14 preceding the first fiscal year in which the eligible district or
15 eligible public school academy is in the community eligibility
16 program.

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

25 (c) If the district or public school academy began operations
26 as a district or public school academy after the pupil membership
27 count day of the current fiscal year, the number of membership
28 pupils in the district or public school academy who are determined
29 to be economically disadvantaged, as reported to the center in the

1 form and manner prescribed by the center not later than the fifth
2 Wednesday after the supplemental count day of the current fiscal
3 year.

4 (d) If, for a particular fiscal year, the number of membership
5 pupils in a district or public school academy who are determined
6 under subdivision (a) to be economically disadvantaged or to be
7 eligible based on the identified student percentage varies by more
8 than 20 percentage points from the number of those pupils in the
9 district or public school academy as calculated under subdivision
10 (a) for the immediately preceding fiscal year caused by an
11 egregious reporting error by the district or public school academy,
12 the department may choose to have the calculations under
13 subdivision (a) instead be made using the number of membership
14 pupils in the district or public school academy who are determined
15 to be economically disadvantaged, as reported to the center in the
16 form and manner prescribed by the center not later than the fifth
17 Wednesday after the supplemental count day of the immediately
18 preceding fiscal year.

19 (5) Except as otherwise provided in this section, a district
20 or public school academy receiving funding under this section shall
21 use that money only to provide instructional programs and direct
22 noninstructional services, including, but not limited to, medical,
23 mental health, or counseling services, for at-risk pupils; for
24 school health clinics; and for the purposes of subsection (6), (7),
25 or (8). In addition, a district that is a school district of the
26 first class or a district or public school academy in which at
27 least 50% of the pupils in membership were determined to be
28 economically disadvantaged in the immediately preceding state
29 fiscal year, as determined and reported as described in subsection

(4), may use not more than 20% of the funds it receives under this section for school security that aligns to the needs assessment and the multi-tiered system of supports model. A district or public school academy shall not use any of that money for administrative costs. The instruction or direct noninstructional services provided under this section may be conducted before or after regular school hours or by adding extra school days to the school year.

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

(7) From the ~~funds~~ **state school aid fund money** allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed \$8,000,000.00, **and from the federal funds allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed \$20,000,000.00**, to support primary health care services provided to children and adolescents up to age 21. These funds must be expended in a form and manner determined jointly by the department and the department of health and human services. If any funds allocated under this subsection are not used for the purposes of this subsection for the fiscal year in which they are allocated, those unused funds must be used that fiscal year to avoid or minimize any proration that would otherwise be required under subsection (14) for that fiscal year.

(8) From the ~~funds~~ **state school aid fund money** allocated under

1 subsection (1), there is allocated for 2020-2021 an amount not to
2 exceed \$5,150,000.00 for the state portion of the hearing and
3 vision screenings as described in section 9301 of the public health
4 code, 1978 PA 368, MCL 333.9301. A local public health department
5 shall pay at least 50% of the total cost of the screenings. The
6 frequency of the screenings must be as required under R 325.13091
7 to R 325.13096 and R 325.3271 to R 325.3276 of the Michigan
8 Administrative Code. Funds must be awarded in a form and manner
9 approved jointly by the department and the department of health and
10 human services. Notwithstanding section 17b, the department shall
11 make payments to eligible entities under this subsection on a
12 schedule determined by the department.

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

1 public school academy complies with this subsection. If the
2 district or public school academy does not comply with this
3 subsection by the end of the fiscal year, the withheld funds are
4 forfeited to the school aid fund.

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

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

24 (12) A district or public school academy that receives funds
25 under this section may use up to 7.5% of those funds to provide
26 research based professional development and to implement a coaching
27 model that supports the multi-tiered system of supports framework.
28 Professional development may be provided to district and school
29 leadership and teachers and must be aligned to professional

1 learning standards; integrated into district, school building, and
2 classroom practices; and solely related to the following:

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

6 (b) Implementing section 1280f of the revised school code, MCL
7 380.1280f, as required under subsection (3), with fidelity.

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

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

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

25 (16) From the ~~funds~~ **state school aid fund money** allocated
26 under subsection (1), there is allocated for 2020-2021 an amount
27 not to exceed \$12,000,000.00 for payments to districts and public
28 school academies that otherwise received an allocation under this
29 subsection for 2019-2020 and whose allocation under this section

1 for 2019-2020, excluding any payments under subsection (7) or (8),
2 would have been more than the district's or public school academy's
3 allocation under this section for 2020-2021 as calculated under
4 subsection (4) only and as adjusted under subsection (14). The
5 allocation for each district or public school academy under this
6 subsection is an amount equal to its allocation under this section
7 for 2019-2020 minus its allocation as otherwise calculated under
8 subsection (4) for 2020-2021, as adjusted by subsection (14), using
9 in those calculations the 2017-2018 number of pupils determined to
10 be economically disadvantaged. However, if the allocation as
11 otherwise calculated under this subsection would have been less
12 than \$0.00, the allocation under this subsection is \$0.00. If
13 necessary, and before any proration required under section 296, the
14 department shall prorate payments under this subsection by reducing
15 the amount of the allocation as otherwise calculated under this
16 subsection by an equal percentage per district or public school
17 academy. Any unexpended funds under this subsection are to be
18 distributed through payments made under subsection (4) as provided
19 under subsection (4), but those funds must not be factored into
20 calculating payments under this subsection.

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

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

1 (19) As used in this section:

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

5 (i) The pupil is economically disadvantaged.

6 (ii) The pupil is an English language learner.

7 (iii) The pupil is chronically absent as defined by and reported
8 to the center.

9 (iv) The pupil is a victim of child abuse or neglect.

10 (v) The pupil is a pregnant teenager or teenage parent.

11 (vi) The pupil has a family history of school failure,
12 incarceration, or substance abuse.

13 (vii) The pupil is an immigrant who has immigrated within the
14 immediately preceding 3 years.

15 (viii) The pupil did not complete high school in 4 years and is
16 still continuing in school as identified in the Michigan cohort
17 graduation and dropout report.

18 (ix) For pupils for whom the results of the state summative
19 assessment have been received, is a pupil who did not achieve
20 proficiency on the English language arts, mathematics, science, or
21 social studies content area assessment.

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

26 (b) "Economically disadvantaged" means a pupil who has been
27 determined eligible for free or reduced-price meals as determined
28 under the Richard B. Russell national school lunch act, 42 USC 1751
29 to 1769j; who is in a household receiving supplemental nutrition

1 assistance program or temporary assistance for needy families
2 assistance; or who is homeless, migrant, or in foster care, as
3 reported to the center.

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

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

16 **Sec. 201d. In addition to the funds appropriated in section**
17 **201, the following are appropriated for the fiscal year ending**
18 **September 30, 2021 from the federal funding awarded to this state**
19 **from the elementary and secondary school emergency relief (ESSER)**
20 **fund under the American rescue plan act of 2021, title II, subtitle**
21 **A, part 1 of Public Law 117-2:**

22 (a) An amount not to exceed \$1,000,000.00, allocated to Grand
23 Rapids Community College for the FastTrack program.

24 (b) An amount not to exceed \$5,000,000.00 for postsecondary
25 remediation programs providing no-cost remediation to individuals
26 who graduated from high school in 2020 and 2021 prior to the start
27 of the fall 2021 academic semester. The amount appropriated under
28 this subdivision is allocated based on the proportion of total
29 headcount as reported in the 2019-20 Michigan Community College

1 Data Inventory Report, as follows:

- 2 (i) Alpena Community College, \$42,800.00.
- 3 (ii) Bay de Noc Community College, \$66,800.00.
- 4 (iii) Delta College, \$183,700.00.
- 5 (iv) Glen Oaks Community College, \$28,100.00.
- 6 (v) Gogebic Community College, \$20,500.00.
- 7 (vi) Grand Rapids Community College, \$0.00.
- 8 (vii) Henry Ford College, \$294,500.00.
- 9 (viii) Jackson College, \$134,300.00.
- 10 (ix) Kalamazoo Valley Community College, \$192,100.00.
- 11 (x) Kellogg Community College, \$137,700.00.
- 12 (xi) Kirtland Community College, \$40,400.00.
- 13 (xii) Lake Michigan College, \$58,000.00.
- 14 (xiii) Lansing Community College, \$350,600.00.
- 15 (xiv) Macomb Community College, \$548,700.00.
- 16 (xv) Mid Michigan College, \$81,500.00.
- 17 (xvi) Monroe County Community College, \$81,000.00.
- 18 (xvii) Montcalm Community College, \$46,300.00.
- 19 (xviii) Mott Community College, \$163,800.00.
- 20 (xix) Muskegon Community College, \$100,800.00.
- 21 (xx) North Central Michigan College, \$58,800.00.
- 22 (xxi) Northwestern Michigan College, \$152,400.00.
- 23 (xxii) Oakland Community College, \$486,800.00.
- 24 (xxiii) Schoolcraft College, \$410,000.00.
- 25 (xxiv) Southwestern Michigan College, \$44,000.00.
- 26 (xxv) St. Clair County Community College, \$80,000.00.
- 27 (xxvi) Washtenaw Community College, \$388,900.00.

1 **(xxvii) Wayne County Community College, \$781,000.00.**

2 **(xxviii) West Shore Community College, \$26,500.00.**

3 Enacting section 1. (1) In accordance with section 30 of
4 article IX of the state constitution of 1963, total state spending
5 on school aid under article I of the state school aid act of 1979,
6 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 165,
7 2021 PA 3, and this amendatory act, from state sources for fiscal
8 year 2020-2021 is estimated at \$13,888,484,200.00 and state
9 appropriations for school aid to be paid to local units of
10 government for fiscal year 2020-2021 are estimated at
11 \$13,716,487,100.00.

12 (2) In accordance with section 30 of article IX of the state
13 constitution of 1963, total state spending on school aid under
14 article II of the state school aid act of 1979, 1979 PA 94, MCL
15 388.1801 to 388.1830, as amended by 2020 PA 165 and this amendatory
16 act, from state sources for fiscal year 2020-2021 is estimated at
17 \$425,667,600.00 and state appropriations for school aid to be paid
18 to local units of government for fiscal year 2020-2021 are
19 estimated at \$425,667,600.00.