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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 11. (1) For the fiscal year ending September 30, 2020, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of $12,829,470,800.00 from the state school aid fund, the sum of
$104,660,000.00 from the general fund, an amount not to exceed $75,900,000.00 from the community district education trust fund created under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262, an amount not to exceed $9,717,800.00 from the talent investment fund created under section 8a of the higher education loan authority act, 1975 PA 222, MCL 390.1158a, an amount not to exceed $75,900,000.00 from the community district education trust fund created under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262, an amount not to exceed $9,717,800.00 from the talent investment fund created under section 8a of the higher education loan authority act, 1975 PA 222, MCL 390.1158a, an amount not to exceed $75,900,000.00 from the community district education trust fund created under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262, and an amount not to exceed $100.00 from the water emergency reserve fund. For the fiscal year ending September 30, 2021, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of $13,589,621,600.00 from the state school aid fund, the sum of $50,964,700.00 from the general fund, an amount not to exceed $77,700,000.00 from the community district education trust fund created under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262, and an amount not to exceed $100.00 from the water emergency reserve fund. In addition, all available federal funds are appropriated for the fiscal years ending September 30, 2020 and September 30, 2021.

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

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

Sec. 11n. From the federal funds appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed
$125,658,839.00 from the federal funding awarded to this state from
the governor's emergency education relief (GEER) fund under the
coronavirus response and relief supplemental appropriations act,
2021, Public Law 116-260, and there is allocated for 2020-2021 an
amount not to exceed $1,656,308,286.00 from the federal funding
awarded to this state from the elementary and secondary school
emergency relief (ESSER) fund under the coronavirus response and
As required under the coronavirus response and relief supplemental
appropriations act, 2021, Public Law 116-260, the governor shall
submit a signed certification and agreement for the emergency
assistance to nonpublic schools program to the United States
Department of Education by not later than February 8, 2021.

Sec. 23b. (1) From the federal funding allocated under section
11n awarded to this state from the elementary and secondary school
emergency relief (ESSER) fund under the coronavirus response and
relief supplemental appropriations act, 2021, Public Law 116-260,
there is allocated for 2020-2021 an amount not to exceed
$157,350,000.00 to eligible districts and eligible intermediate
districts described in subsection (4) to be used for COVID-19
remediation services in the manner described in subsection (6).

(2) The funds allocated under subsection (1) must be
distributed by the department as follows:
(a) An amount not to exceed $90,000,000.00 for summer programs
that are offered as part of COVID-19 remediation services under
this section.
(b) An amount not to exceed $45,000,000.00 for credit recovery
programs that are offered as part of COVID-19 remediation services
under this section.
(c) An amount not to exceed $22,350,000.00 for before-school, after-school, or before-and-after school programs that are offered as part of COVID-19 remediation services under this section.

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

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

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

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

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

(A) A description of the summer program.

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

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

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

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

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

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

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

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

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

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

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

(5) Subject to subsections (2) and (7), from the funding
allocated under subsection (1), the department shall pay each
eligible district and each eligible intermediate district all of
the following, as applicable:
(a) An amount equal to $550.00 for each eligible pupil that, based on the application for funding under this section, will be enrolled or is enrolled in the eligible district's or eligible intermediate district's summer program, as applicable, offered as part of the eligible district's or eligible intermediate district's COVID-19 remediation services under this section.

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

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

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

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

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

(7) If funds allocated under this section for summer programs
that are offered as part of COVID-19 remediation services under this section are insufficient to fully fund calculations under this section, the department shall apply proration of an equal dollar amount per eligible pupil in a summer program. If funds allocated under this section for credit recovery programs that are offered as part of COVID-19 remediation services under this section are insufficient to fully fund calculations under this section, the department shall apply proration of an equal dollar amount per eligible pupil in a credit recovery program. If funds allocated under this section for before-school, after-school, or before-and-after school programs that are offered as part of COVID-19 remediation services under this section are insufficient to fully fund calculations under this section, the department shall apply proration in equal proportion to the amount the eligible district or eligible intermediate district would have received under this section for that program but for the application of proration under this subsection.

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

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

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

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

(10) If, in its application for funding under this section, an eligible district or eligible intermediate district submits the potential number of eligible pupils that will enroll in its summer program as described in subsection (4)(b)(i), potential number of eligible pupils that will enroll in its credit recovery program as described in subsection (4)(b)(ii), or potential number of eligible pupils that will enroll in its before-school, after-school, or before-and-after school program as described in subsection (4)(b)(iii), as applicable, and the eligible district or eligible intermediate district receives funding under this section based on those estimations, by June 15, 2021, the eligible district or eligible intermediate district shall submit the number of pupils who actually enrolled in the eligible district's or eligible intermediate district's summer program, credit recovery program, or before-school, after-school, or before-and-after school program.
the eligible district or eligible intermediate district received an
overpayment of funds under this section based on its submitted
estimates of eligible pupils as described in this subsection, as
determined by the department, the eligible district or eligible
intermediate district shall refund the department in the amount of
the overpayment.
(11) Notwithstanding section 17b and except as otherwise
provided in this subsection, the department shall make payments
under this section on a schedule determined by the department. The
department shall distribute all funding under this section by not
later than May 20, 2021.
(12) As used in this section:
(a) "Constituent district" means a district that is located in
the geographic boundaries of the intermediate district.
(b) "COVID-19 remediation services" means any of the
following:
   (i) A summer program.
   (ii) A credit recovery program.
   (iii) A before-school, after-school, or before-and-after school
        program.
(c) "Credit recovery program" means an educational program
    that meets at least all of the following:
   (i) Is offered to each eligible pupil described in subdivision
    (d)(ii) who was enrolled in any of grades 9 to 12 in the 2020-2021
    school year.
   (ii) Is a program that is designed to provide educational
        remediation to pupils.
   (iii) Is offered in person, online, digitally, by other remote
        means, in a synchronous or asynchronous format, or through any
combination of these.

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

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

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

(A) Any of the following apply:

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

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

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

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

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

(A) In the 2020-2021 school year, the child was enrolled in

the eligible district, eligible intermediate district, or a

constituent district of the eligible intermediate district that

provides the credit recovery program to the child under this

section.

(B) Any of the following apply:

(I) The child has failed 1 or more credits or courses in the

2020-2021 school year.

(II) The child is not on track to graduate from high school,

as determined by the eligible district, eligible intermediate
district, or constituent district of the eligible intermediate
district in which the child was enrolled as described in sub-

subparagraph (A).

(III) The eligible district, eligible intermediate district,
or constituent district of the eligible intermediate district in

which the child was enrolled as described in sub-subparagraph (A)

has determined that the child is eligible for enrollment in the

eligible district's or eligible intermediate district's credit

recovery program.

(iii) For participation in a before-school, after-school, or

before-and-after school program offered as part of COVID-19

remediation services under this section, both of the following

apply:

(A) In the 2020-2021 school year, the child was enrolled in

any of grades K to 12 in the eligible district, eligible

intermediate district, or a constituent district of the eligible

intermediate district that provides the before-school, after-
school, or before-and-after school program to the child under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) To provide a payment of $1,000.00 to each eligible teacher.
(b) To provide a payment of $250.00 to each eligible support staff member.

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

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

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

(8) As used in this section:

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

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

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

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

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

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

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

Sec. 23d. (1) From the federal funding allocated under section 11n awarded to this state from the governor's emergency education relief (GEER) fund under the coronavirus response and relief supplemental appropriations act, 2021, Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $5,852,954.00 for the purposes of this section. The department shall establish a grant program to distribute this funding to eligible parents or legal guardians described in subsection (3).

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

(3) A parent or legal guardian that meets all of the following is an eligible parent or legal guardian under this section:

(a) The parent or legal guardian has incurred expenses in relation to providing summer programming in 2021 to his or her child.
(b) The child described in subdivision (a) is at least age 5 but not older than age 18 and is not enrolled in and participating in COVID-19 remediation services under section 23b.

(c) In his or her application for funding under this section, the parent or legal guardian describes the expenses described in subdivision (a).

(4) From the funding allocated under subsection (1), the department shall pay each eligible parent or legal guardian an amount equal to the cost of the expenses as submitted in the application for funding under this section under subsection (3)(c), but not exceeding $250.00, for each child for whom the eligible parent or legal guardian has incurred expenses as described in subsection (3)(a).

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

(6) As used in this section, "summer programming" means an educational enrichment program, including, but not limited to, a program that incorporates extracurricular activities, that is provided in person, online, digitally, by other remote means, in a synchronous or asynchronous format, or through any combination of these.

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

(2) To receive funding under this section, a district must apply for the funding in a form and manner prescribed by the department.
(3) A district that offers in-person, face-to-face instruction beginning by not later than February 15, 2021 to each pupil enrolled in the district for the remainder of the 2020-2021 school year for 5 days, excluding days that are a part of a previously scheduled period of time for which the district is not in session, of each week for the remainder of the school year is an eligible district under this section.

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

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

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

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

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

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

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

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

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

(c) The system must provide that, to the extent practicable, if a district administers a benchmark assessment or benchmark assessments under this section, the district shall administer the same benchmark assessment or benchmark assessments provided by a provider approved under section 104(9), benchmark assessment or benchmark assessments described in subdivision (b), or local benchmark assessment or local benchmark assessments that it administered to pupils in previous school years, as applicable.
(d) The system must provide that, if a district administers a benchmark assessment or benchmark assessments under this section, the district shall provide each pupil’s data from the benchmark assessment or benchmark assessments, as available, to the pupil’s parent or legal guardian within 30 days of administering the benchmark assessment or benchmark assessments.

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

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

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

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

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

(a) Be aligned to the content standards of this state.
(b) Complement the state's summative assessment system.
(c) Be internet-delivered and include a standards-based
assessment.
(d) Provide information on pupil achievement with regard to
learning content required in a given year or grade span.
(e) Provide timely feedback to pupils and teachers.
(f) Be nationally normed.
(g) Provide information to educators about student growth and
allow for multiple testing opportunities.

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

Enacting section 1. In accordance with section 30 of article
IX of the state constitution of 1963, total state spending on
school aid under article I of the state school aid act of 1979,
1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 147,
2020 PA 148, 2020 PA 149, 2020 PA 165, and this amendatory act,
from state sources for fiscal year 2020-2021 is estimated at
$14,081,286,300.00 and state appropriations for school aid to be
paid to local units of government for fiscal year 2020-2021 are estimated at $13,909,289,200.00.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No.____ or House Bill No. 4049 (request no. 01574'21) of the 101st Legislature is enacted into law.