THE STATE SCHOOL AID ACT OF 1979
Act 94 of 1979

AN ACT to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2011, Act 62, Imd. Eff. June 21, 2011.

Compiler's note: Sec. 42, as added by Act 207 of 1990, was vetoed by the governor on July 27, 1990.
Secs. 43, 92, and 111a, as added by Act 118 of 1991, were vetoed by the governor on October 11, 1991.
Sec. 71a, as added by Act 283 of 1994, was vetoed by the governor on July 9, 1994.
Secs. 20h, 28b, 56a, and 94a, as added by Act 130 of 1995, were vetoed by the governor on June 30, 1995.
Secs. 29 and 95a, as added by Act 300 of 1996, were vetoed by the governor on June 19, 1996.
Sec. 11e, as added by Act 372 of 1996, was vetoed by the governor July 3, 1996.
Sec. 11j, Sec. 11k, and Sec. 31b, as added by Act 339 of 1998, were vetoed by the governor on October 13, 1998.
Secs. 20k and 34, as added by Act 119 of 1999, were vetoed by the governor on July 19, 1999.
Secs. 11j and 11*l*, as added by Act 297 of 2000, were vetoed by the governor on June 26, 2000.
Secs. 22d, 22e, and 55a, as added by Act 158 of 2003, were vetoed by the governor on August 11, 2003.
Sec. 77, as added by Act 137 of 2007, was vetoed by the governor on November 8, 2007.
Secs. 20j, 32c, 57, and 99p, as amended by Act 121 of 2009, were vetoed by the governor on October 19, 2009.
Secs. 20j, 32c, and 99p, as amended by Act 110 of 2010, and sec. 92, as added by Act 110 of 2010, were vetoed by the governor on July 7, 2010.
Secs. 22d, 25f, 25g, 31b, 31j, 35b, 35d, 55, 61c,61f, 64d, 95b, 99t, 99u, 99v, 99w, 99x, 102d, 104d, and 152b as amended by Act 58 of 2019, and sections 35c, 54e, 67a, 67b, 97, 97a, 99z, and 99bb as added by Act 58 of 2019, were vetoed by the governor on September 30, 2019.
Sec. 252, as amended by Act 62 of 2019, was vetoed by the governor on September 30, 2019.
Sec. 152b, as amended by Act 165 of 2020, was vetoed by the governor on September 30, 2020.
Secs. 11o and 23d, as added by Act 3 of 2021, were vetoed by the governor on March 9, 2021.
Secs. 34a and 78, as added by Act 48 of 2021, were vetoed by the governor on July 13, 2021.

The People of the State of Michigan enact:

ARTICLE I
STATE AID TO PUBLIC SCHOOLS, EARLY CHILDHOOD, AND ADULT EDUCATION

388.1601 Short title.

Sec. 1. This act shall be known and may be cited as "the state school aid act of 1979".

History: 1979, Act 94, Eff. Oct. 1, 1979.

Compiler's note: For creation of Michigan public educational facilities authority within department of treasury; transfer of certain powers and duties from Michigan strategic fund and Michigan strategic fund board of directors to Michigan public educational facilities authority and Michigan public educational facilities authority board of trustees; transfer of certain powers and duties of Michigan municipal bond authority and Michigan municipal bond authority board of trustees to Michigan public and educational facilities authority and Michigan public education facilities authority board of trustees, see E.R.O. No. 2002-3, compiled at MCL 12.192 of the Michigan Compiled Laws.

388.1602 Meanings of words and phrases.

Sec. 2. As used in this article and article IV the words and phrases defined in sections 3 to 6 have the meanings ascribed to them in those sections.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2018, Act 227, Imd. Eff. June 27, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1603 Definitions; A to D.

Sec. 3. (1) "Average daily attendance", for the purposes of complying with federal law, means 92% of the pupils counted in membership on the pupil membership count day, as defined in section 6(7).

(2) "Board" means the governing body of a district or public school academy.

(3) "Center" means the center for educational performance and information created in section 94a.

(4) "Community district" means a school district organized under part 5b of the revised school code.

(5) "Cooperative education program" means a written voluntary agreement between and among districts to provide certain educational programs for pupils in certain groups of districts. The written agreement must be approved by all affected districts at least annually and must specify the educational programs to be provided

© Courtesy of www.legislature.mi.gov

and the estimated number of pupils from each district who will participate in the educational programs.

(6) "Department", except as otherwise provided in this article, means the department of education.

(7) "District" means a local school district established under the revised school code or, except in sections 6(4), 6(6), 13, 20, 22a, 22p, 31a, 51a(14), 105, 105c, and 166b, a public school academy. Except in section 20, district also includes a community district.

(8) "District of residence", except as otherwise provided in this subsection, means the district in which a pupil's custodial parent or parents or legal guardian resides. For a pupil described in section 24b, the pupil's district of residence is the district in which the pupil enrolls under that section. For a pupil described in section 6(4)(d), the pupil's district of residence is considered to be the district or intermediate district in which the pupil is counted in membership under that section. For a pupil under court jurisdiction who is placed outside the district in which the pupil's custodial parent or parents or legal guardian resides, the pupil's district of residence is considered to be the educating district or educating intermediate district.

(9) "District superintendent" means the superintendent of a district or the chief administrator of a public school academy.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1988, Act 509, Imd. Eff. Dec. 29, 1988;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992 ;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008; —Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1604 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1604.amended ******

388.1604 Definitions; E to H.

Sec. 4. (1) "Elementary pupil" means a pupil in membership in grades K to 8 in a district not maintaining classes above the eighth grade or in grades K to 6 in a district maintaining classes above the eighth grade or a child enrolled and in regular attendance in a publicly funded prekindergarten setting.

(2) "Extended school year" means an educational program conducted by a district in which pupils must be enrolled but not necessarily in attendance on the pupil membership count day in an extended year program. The mandatory clock hours must be completed by each pupil not more than 365 calendar days after the pupil's first day of classes for the school year prescribed. The department shall prescribe pupil, personnel, and other reporting requirements for the educational program.

(3) "Fiscal year" means the state fiscal year that commences October 1 and continues through September

© Courtesy of www.legislature.mi.gov

30.

(4) "High school equivalency certificate" means a certificate granted for the successful completion of a high school equivalency test.

(5) "High school equivalency test" means the G.E.D. test developed by the GED Testing Service, the Test Assessing Secondary Completion (TASC) developed by CTS/McGraw-Hill, the HISET test developed by Educational Testing Service (ETS), or another comparable test approved by the department of labor and economic opportunity.

(6) "High school equivalency test preparation program" means a program that has high school level courses in English language arts, social studies, science, and mathematics and that prepares an individual to successfully complete a high school equivalency test.

(7) "High school pupil" means a pupil in membership in grades 7 to 12, except in a district not maintaining grades above the eighth grade.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

****** 388.1604.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1604.amended Definitions; E to H.

Sec. 4. (1) "Elementary pupil" means a pupil in membership in grades K to 8 in a district not maintaining classes above grade 8 or in grades K to 6 in a district maintaining classes above grade 8 or a child enrolled and in regular attendance in a publicly funded prekindergarten setting.

(2) "Extended school year" means an educational program conducted by a district in which pupils must be enrolled but not necessarily in attendance on the pupil membership count day in an extended year program. The mandatory clock hours must be completed by each pupil not more than 365 calendar days after the pupil's first day of classes for the school year prescribed. The department shall prescribe pupil, personnel, and other reporting requirements for the educational program.

(3) "Fiscal year" means the state fiscal year that commences October 1 and continues through September 30.

(4) "High school equivalency certificate" means a certificate granted for the successful completion of a high school equivalency test.

(5) "High school equivalency test" means the G.E.D. test developed by the GED Testing Service, the HISET exam developed by Educational Testing Service (ETS), or another comparable test approved by the department of labor and economic opportunity.

(6) "High school equivalency test preparation program" means a program that has high school level courses in English language arts, social studies, science, and mathematics and that prepares an individual to successfully complete a high school equivalency test.

(7) "High school pupil" means a pupil in membership in grades 7 to 12, except in a district not maintaining grades above grade 8.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1605 Definitions; I.

Sec. 5. (1) "Intermediate board" means the governing body of an intermediate district.

(2) "Intermediate district" means an intermediate school district established under part 7 of the revised school code.

(3) "Intermediate superintendent" means the superintendent of an intermediate district.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996.

****** 388.1606 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1606.amended ******

388.1606 Additional definitions.

Sec. 6. (1) "Center program" means a program operated by a district or by an intermediate district for special education pupils from several districts in programs for pupils with autism spectrum disorder, pupils with severe cognitive impairment, pupils with moderate cognitive impairment, pupils with severe multiple impairments, pupils with hearing impairment, pupils with visual impairment, and pupils with physical impairment or other health impairment. Programs for pupils with emotional impairment housed in buildings that do not serve regular education pupils also qualify. Unless otherwise approved by the department, a center program either serves all constituent districts within an intermediate district or serves several districts with less than 50% of the pupils residing in the operating district. In addition, special education center program pupils placed part-time in noncenter programs to comply with the least restrictive environment provisions of section 1412 of the individuals with disabilities education act, 20 USC 1412, may be considered center program pupils for pupil accounting purposes for the time scheduled in either a center program or a noncenter program.

(2) "District and high school graduation rate" means the annual completion and pupil dropout rate that is calculated by the center pursuant to nationally recognized standards.

(3) "District and high school graduation report" means a report of the number of pupils, excluding adult education participants, in the district for the immediately preceding school year, adjusted for those pupils who have transferred into or out of the district or high school, who leave high school with a diploma or other credential of equal status.

(4) "Membership", except as otherwise provided in this subsection or this article, means for a district, a public school academy, or an intermediate district the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district on the pupil membership count day for the current school year, plus the product of .10 times the final audited count from the supplemental count day of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district for the immediately preceding school year. A district's, public school academy's, or intermediate district's membership is adjusted as provided under section 25e for pupils who enroll after the pupil membership count day in a strict discipline academy operating under sections 1311b to 1311m of the revised school code, MCL 380.1311b to 380.1311m. For 2020-2021 only, membership means for a district, a public school academy, or an intermediate district, the sum of the product of .75 times the district's, public school academy's, or intermediate district's 2019-2020 membership as calculated under this section in 2019-2020 and the product of .25 times [the sum of (the product of .90 times the number of full-time equated pupils engaged in pandemic learning for fall 2020 or, for a public school academy that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the public school academy on pupil membership count day for the current school year) and (the product of .10 times the final audited count from the supplemental count day of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district for the immediately preceding school year)]. All pupil counts used in this subsection are as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a

© Courtesy of www.legislature.mi.gov

subsequent department audit. The amount of the foundation allowance for a pupil in membership is determined under section 20. In making the calculation of membership, all of the following, as applicable, apply to determining the membership of a district, a public school academy, or an intermediate district:

(a) Except as otherwise provided in this subsection, and pursuant to subsection (6), a pupil is counted in membership in the pupil's educating district or districts. An individual pupil must not be counted for more than a total of 1.0 full-time equated membership.

(b) If a pupil is educated in a district other than the pupil's district of residence, if the pupil is not being educated as part of a cooperative education program, if the pupil's district of residence does not give the educating district its approval to count the pupil in membership in the educating district, and if the pupil is not covered by an exception specified in subsection (6) to the requirement that the educating district must have the approval of the pupil's district of residence to count the pupil in membership, the pupil is not counted in membership in any district.

(c) A special education pupil educated by the intermediate district is counted in membership in the intermediate district.

(d) A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under section 53a, is counted in membership in the district or intermediate district approved by the department to operate the program.

(e) A pupil enrolled in the Michigan Schools for the Deaf and Blind is counted in membership in the pupil's intermediate district of residence.

(f) A pupil enrolled in a career and technical education program supported by a millage levied over an area larger than a single district or in an area vocational-technical education program established under section 690 of the revised school code, MCL 380.690, is counted in membership only in the pupil's district of residence.

(g) A pupil enrolled in a public school academy is counted in membership in the public school academy.

(h) For the purposes of this section and section 6a, for a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, that is in compliance with section 553a of the revised school code, MCL 380.553a, a pupil's participation in the cyber school's educational program is considered regular daily attendance, and for a district or public school academy, a pupil's participation in a virtual course as that term is defined in section 21f is considered regular daily attendance. For the purposes of this subdivision, for a pupil enrolled in a cyber school and utilizing sequential learning, participation means that term as defined in the pupil accounting manual, section 5-o-d: requirements for counting pupils in membership-subsection 10.

(i) For a new district or public school academy beginning its operation after December 31, 1994, membership for the first 2 full or partial fiscal years of operation is determined as follows:

(*i*) Except as otherwise provided in this subparagraph, if operations begin before the pupil membership count day for the fiscal year, membership is the average number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year and on the supplemental count day for the current school year, as determined by the department and calculated by adding the number of pupils registered for attendance on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2. However, for 2020-2021 only, if operations begin before the pupil membership count day for the fiscal year, except for a public school academy that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, membership is the average number of full-time equated pupils engaged in pandemic learning for fall 2020 and full-time equated pupils engaged in pandemic learning for spring 2021, as that term is defined in section 6a, as determined by the department and calculated by adding the number of pupils registered for attendance on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(*ii*) If operations begin after the pupil membership count day for the fiscal year and not later than the supplemental count day for the fiscal year, membership is the final audited count of the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the supplemental count day for the current school year, but, for 2020-2021 only, except for a public school academy that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, membership is the final audited count of the number of full-time equated pupils engaged in pandemic learning for spring 2021, as that term is defined in section 6a.

(j) If a district is the authorizing body for a public school academy, then, in the first school year in which pupils are counted in membership on the pupil membership count day in the public school academy, the determination of the district's membership excludes from the district's pupil count for the immediately

© Courtesy of www.legislature.mi.gov

preceding supplemental count day any pupils who are counted in the public school academy on that first pupil membership count day who were also counted in the district on the immediately preceding supplemental count day.

(k) For an extended school year program approved by the superintendent, a pupil enrolled, but not scheduled to be in regular daily attendance, on a pupil membership count day, is counted in membership.

(*l*) To be counted in membership, a pupil must meet the minimum age requirement to be eligible to attend school under section 1147 of the revised school code, MCL 380.1147, or must be enrolled under subsection (3) of that section, and must be less than 20 years of age on September 1 of the school year except as follows:

(*i*) A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year is counted in membership.

(*ii*) A pupil who is determined by the department to meet all of the following may be counted in membership:

(A) Is enrolled in a public school academy or an alternative education high school diploma program, that is primarily focused on educating pupils with extreme barriers to education, such as being homeless as defined under 42 USC 11302.

(B) Had dropped out of school.

(C) Is less than 22 years of age as of September 1 of the current school year.

(*iii*) If a child does not meet the minimum age requirement to be eligible to attend school for that school year under section 1147 of the revised school code, MCL 380.1147, but will be 5 years of age not later than December 1 of that school year, the district may count the child in membership for that school year if the parent or legal guardian has notified the district in writing that he or she intends to enroll the child in kindergarten for that school year.

(m) An individual who has achieved a high school diploma is not counted in membership. An individual who has achieved a high school equivalency certificate is not counted in membership unless the individual is a student with a disability as that term is defined in R 340.1702 of the Michigan Administrative Code. An individual participating in a job training program funded under former section 107a or a jobs program funded under former section 107b, administered by the department of labor and economic opportunity, or participating in any successor of either of those 2 programs, is not counted in membership.

(n) If a pupil counted in membership in a public school academy is also educated by a district or intermediate district as part of a cooperative education program, the pupil is counted in membership only in the public school academy unless a written agreement signed by all parties designates the party or parties in which the pupil is counted in membership, and the instructional time scheduled for the pupil in the district or intermediate district is included in the full-time equated membership determination under subdivision (q) and section 101. However, for pupils receiving instruction in both a public school academy and in a district or intermediate district but not as a part of a cooperative education program, the following apply:

(*i*) If the public school academy provides instruction for at least 1/2 of the class hours required under section 101, the public school academy receives as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils is allocated to the district or intermediate district providing the remainder of the hours of instruction.

(*ii*) If the public school academy provides instruction for less than 1/2 of the class hours required under section 101, the district or intermediate district providing the remainder of the hours of instruction receives as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils is allocated to the public school academy.

(o) An individual less than 16 years of age as of September 1 of the current school year who is being educated in an alternative education program is not counted in membership if there are also adult education participants being educated in the same program or classroom.

(p) The department shall give a uniform interpretation of full-time and part-time memberships.

(q) The number of class hours used to calculate full-time equated memberships must be consistent with section 101. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution or for pupils engaged in an internship or work experience under section 1279h of the revised school code, MCL 380.1279h, a pupil is not considered to be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment or engagement in the internship or work experience, including necessary travel time, on the number of class hours provided by the district to the pupil.

© Courtesy of www.legislature.mi.gov

(r) Full-time equated memberships for pupils in kindergarten are determined by dividing the number of instructional hours scheduled and provided per year per kindergarten pupil by the same number used for determining full-time equated memberships for pupils in grades 1 to 12. However, to the extent allowable under federal law, for a district or public school academy that provides evidence satisfactory to the department that it used federal title I money in the 2 immediately preceding school fiscal years to fund full-time kindergarten, full-time equated memberships for pupils in kindergarten are determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 1/2 the number used for determining full-time equated memberships for pupils in grades 1 to 12. The change in the counting of full-time equated memberships for pupils in kindergarten that took effect for 2012-2013 is not a mandate.

(s) For a district or a public school academy that has pupils enrolled in a grade level that was not offered by the district or public school academy in the immediately preceding school year, the number of pupils enrolled in that grade level to be counted in membership is the average of the number of those pupils enrolled and in regular daily attendance on the pupil membership count day and the supplemental count day of the current school year, but, for 2020-2021 only, except for a public school academy that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, the number of pupils enrolled in that grade level to be counted in membership is the average of the number of those pupils engaged in pandemic learning for fall 2020 and the number of those pupils engaged in pandemic learning for spring 2021, as that term is defined in section 6a, as determined by the department. Membership is calculated by adding the number of pupils registered for attendance in that grade level on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(t) A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

(u) If, as a result of a disciplinary action, a district determines through the district's alternative or disciplinary education program that the best instructional placement for a pupil is in the pupil's home or otherwise apart from the general school population, if that placement is authorized in writing by the district superintendent and district alternative or disciplinary education supervisor, and if the district provides appropriate instruction as described in this subdivision to the pupil at the pupil's home or otherwise apart from the general school population, the district may count the pupil in membership on a pro rata basis, with the proration based on the number of hours of instruction the district actually provides to the pupil divided by the number of hours required under section 101 for full-time equivalency. For the purposes of this subdivision, a district is considered to be providing appropriate instruction if all of the following are met:

(*i*) The district provides at least 2 nonconsecutive hours of instruction per week to the pupil at the pupil's home or otherwise apart from the general school population under the supervision of a certificated teacher.

(*ii*) The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.

(*iii*) Course content is comparable to that in the district's alternative education program.

(*iv*) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(v) If a pupil was enrolled in a public school academy on the pupil membership count day, if the public school academy's contract with its authorizing body is revoked or the public school academy otherwise ceases to operate, and if the pupil enrolls in a district within 45 days after the pupil membership count day, the department shall adjust the district's pupil count for the pupil membership count day to include the pupil in the count.

(w) For a public school academy that has been in operation for at least 2 years and that suspended operations for at least 1 semester and is resuming operations, membership is the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the first pupil membership count day or supplemental count day, whichever is first, occurring after operations resume, plus the product of .10 times the final audited count from the most recent pupil membership count day or supplemental count day that occurred before suspending operations, as determined by the superintendent, but, for 2020-2021 only, except for a public school academy that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, membership is the sum of the product of .90 times the number of full-time equated pupils engaged in pandemic learning for fall 2020 or the number of full-time equated pupils engaged in pandemic learning for spring 2021, as that term is defined in section 6a, whichever applies first after operations resume, plus the product of .10 times the final audited count from the most recent pupil membership count day or supplemental count day that occurred before suspending operations, as determined by the superintendent.

© Courtesy of www.legislature.mi.gov

(x) If a district's membership for a particular fiscal year, as otherwise calculated under this subsection, would be less than 1,550 pupils, the district has 4.5 or fewer pupils per square mile, as determined by the department, and the district does not receive funding under section 22d(2), the district's membership is considered to be the membership figure calculated under this subdivision. If a district educates and counts in its membership pupils in grades 9 to 12 who reside in a contiguous district that does not operate grades 9 to 12 and if 1 or both of the affected districts request the department to use the determination allowed under this sentence, the department shall include the square mileage of both districts in determining the number of pupils per square mile for each of the districts for the purposes of this subdivision. If a district has established a community engagement advisory committee in partnership with the department of treasury, is required to submit a deficit elimination plan or an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and is located in a city with a population between 9,000 and 11,000 that is in a county with a population between 155,000 and 160,000, the district's membership is considered to be the membership figure calculated under this subdivision. The membership figure calculated under this subdivision is the greater of the following:

(*i*) The average of the district's membership for the 3-fiscal-year period ending with that fiscal year, calculated by adding the district's actual membership for each of those 3 fiscal years, as otherwise calculated under this subsection, and dividing the sum of those 3 membership figures by 3.

(*ii*) The district's actual membership for that fiscal year as otherwise calculated under this subsection.

(y) Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are enrolled in a classroom program under R 340.1754 of the Michigan Administrative Code are determined by dividing the number of class hours scheduled and provided per year by 450. Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are receiving early childhood special education services under R 340.1755 or R 340.1862 of the Michigan Administrative Code are determined by dividing the number of hours of service scheduled and provided per year per-pupil by 180.

(z) A pupil of a district that begins its school year after Labor Day who is enrolled in an intermediate district program that begins before Labor Day is not considered to be less than a full-time pupil solely due to instructional time scheduled but not attended by the pupil before Labor Day.

(aa) For the first year in which a pupil is counted in membership on the pupil membership count day in a middle college program, the membership is the average of the full-time equated membership on the pupil membership count day and on the supplemental count day for the current school year, as determined by the department. If a pupil described in this subdivision was counted in membership by the operating district on the immediately preceding supplemental count day, the pupil is excluded from the district's immediately preceding supplemental count for the purposes of determining the district's membership.

(bb) A district or public school academy that educates a pupil who attends a United States Olympic Education Center may count the pupil in membership regardless of whether or not the pupil is a resident of this state.

(cc) A pupil enrolled in a district other than the pupil's district of residence under section 1148(2) of the revised school code, MCL 380.1148, is counted in the educating district.

(dd) For a pupil enrolled in a dropout recovery program that meets the requirements of section 23a, the pupil is counted as 1/12 of a full-time equated membership for each month that the district operating the program reports that the pupil was enrolled in the program and was in full attendance. However, if the special membership counting provisions under this subdivision and the operation of the other membership counting provisions under this subsection result in a pupil being counted as more than 1.0 FTE in a fiscal year, the payment made for the pupil under sections 22a and 22b must not be based on more than 1.0 FTE for that pupil, and any portion of an FTE for that pupil that exceeds 1.0 is instead paid under section 25g. The district operating the program shall report to the center the number of pupils who were enrolled in the program and were in full attendance for a month not later than 30 days after the end of the month. A district shall not report a pupil as being in full attendance for a month unless both of the following are met:

(*i*) A personalized learning plan is in place on or before the first school day of the month for the first month the pupil participates in the program.

(*ii*) The pupil meets the district's definition under section 23a of satisfactory monthly progress for that month or, if the pupil does not meet that definition of satisfactory monthly progress for that month, the pupil did meet that definition of satisfactory monthly progress in the immediately preceding month and appropriate interventions are implemented within 10 school days after it is determined that the pupil does not meet that definition of satisfactory monthly progress.

(ee) A pupil participating in a virtual course under section 21f is counted in membership in the district enrolling the pupil.

(ff) If a public school academy that is not in its first or second year of operation closes at the end of a

© Courtesy of www.legislature.mi.gov

school year and does not reopen for the next school year, the department shall adjust the membership count of the district or other public school academy in which a former pupil of the closed public school academy enrolls and is in regular daily attendance for the next school year to ensure that the district or other public school academy receives the same amount of membership aid for the pupil as if the pupil were counted in the district or other public school academy on the supplemental count day of the preceding school year.

(gg) If a special education pupil is expelled under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, and is not in attendance on the pupil membership count day because of the expulsion, and if the pupil remains enrolled in the district and resumes regular daily attendance during that school year, the district's membership is adjusted to count the pupil in membership as if he or she had been in attendance on the pupil membership count day.

(hh) A pupil enrolled in a community district is counted in membership in the community district.

(ii) A part-time pupil enrolled in a nonpublic school in grades K to 12 in accordance with section 166b must not be counted as more than 0.75 of a full-time equated membership.

(jj) A district that borders another state or a public school academy that operates at least grades 9 to 12 and is located within 20 miles of a border with another state may count in membership a pupil who is enrolled in a course at a college or university that is located in the bordering state and within 20 miles of the border with this state if all of the following are met:

(*i*) The pupil would meet the definition of an eligible student under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, if the course were an eligible course under that act.

(*ii*) The course in which the pupil is enrolled would meet the definition of an eligible course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, if the course were provided by an eligible postsecondary institution under that act.

(*iii*) The department determines that the college or university is an institution that, in the other state, fulfills a function comparable to a state university or community college, as those terms are defined in section 3 of the postsecondary enrollment options act, 1996 PA 160, MCL 388.513, or is an independent nonprofit degree-granting college or university.

(*iv*) The district or public school academy pays for a portion of the pupil's tuition at the college or university in an amount equal to the eligible charges that the district or public school academy would pay to an eligible postsecondary institution under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, as if the course were an eligible course under that act.

(*v*) The district or public school academy awards high school credit to a pupil who successfully completes a course as described in this subdivision.

(kk) A pupil enrolled in a middle college program may be counted for more than a total of 1.0 full-time equated membership if the pupil is enrolled in more than the minimum number of instructional days and hours required under section 101 and the pupil is expected to complete the 5-year program with both a high school diploma and at least 60 transferable college credits or is expected to earn an associate's degree in fewer than 5 years.

(*ll*) If a district's or public school academy's membership for a particular fiscal year, as otherwise calculated under this subsection, includes pupils counted in membership who are enrolled under section 166b, all of the following apply for the purposes of this subdivision:

(*i*) If the district's or public school academy's membership for pupils counted under section 166b equals or exceeds 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b in the immediately preceding fiscal year, then the growth in the district's or public school academy's membership for pupils counted under section 166b must not exceed 10%.

(*ii*) If the district's or public school academy's membership for pupils counted under section 166b is less than 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b in the immediately preceding fiscal year, then the district's or public school academy's membership for pupils counted under section 166b must not exceed the greater of the following:

(A) 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b.

(B) 10% more than the district's or public school academy's membership for pupils counted under section 166b in the immediately preceding fiscal year.

(*iii*) If 1 or more districts consolidate or are parties to an annexation, then the calculations under subparagraphs (*i*) and (*ii*) must be applied to the combined total membership for pupils counted in those districts for the fiscal year immediately preceding the consolidation or annexation.

(5) "Public school academy" means that term as defined in section 5 of the revised school code, MCL 380.5.

(6) "Pupil" means an individual in membership in a public school. A district must have the approval of the

© Courtesy of www.legislature.mi.gov

pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence is not required for any of the following:

(a) A nonpublic part-time pupil enrolled in grades K to 12 in accordance with section 166b.

(b) A pupil receiving 1/2 or less of his or her instruction in a district other than the pupil's district of residence.

(c) A pupil enrolled in a public school academy.

(d) A pupil enrolled in a district other than the pupil's district of residence under an intermediate district schools of choice pilot program as described in section 91a or former section 91 if the intermediate district and its constituent districts have been exempted from section 105.

(e) A pupil enrolled in a district other than the pupil's district of residence if the pupil is enrolled in accordance with section 105 or 105c.

(f) A pupil who has made an official written complaint or whose parent or legal guardian has made an official written complaint to law enforcement officials and to school officials of the pupil's district of residence that the pupil has been the victim of a criminal sexual assault or other serious assault, if the official complaint either indicates that the assault occurred at school or that the assault was committed by 1 or more other pupils enrolled in the school the pupil would otherwise attend in the district of residence or by an employee of the district of residence. A person who intentionally makes a false report of a crime to law enforcement officials for the purposes of this subdivision is subject to section 411a of the Michigan penal code, 1931 PA 328, MCL 750.411a, which provides criminal penalties for that conduct. As used in this subdivision:

(*i*) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(*ii*) "Serious assault" means an act that constitutes a felony violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90h, or that constitutes an assault and infliction of serious or aggravated injury under section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a.

(g) A pupil whose district of residence changed after the pupil membership count day and before the supplemental count day and who continues to be enrolled on the supplemental count day as a nonresident in the district in which he or she was enrolled as a resident on the pupil membership count day of the same school year.

(h) A pupil enrolled in an alternative education program operated by a district other than his or her district of residence who meets 1 or more of the following:

(*i*) The pupil has been suspended or expelled from his or her district of residence for any reason, including, but not limited to, a suspension or expulsion under section 1310, 1311, or 1311a of the revised school code, MCL 380.1310, 380.1311, and 380.1311a.

(*ii*) The pupil had previously dropped out of school.

(*iii*) The pupil is pregnant or is a parent.

(*iv*) The pupil has been referred to the program by a court.

(i) A pupil enrolled in the Michigan Virtual School, for the pupil's enrollment in the Michigan Virtual School.

(j) A pupil who is the child of a person who works at the district or who is the child of a person who worked at the district as of the time the pupil first enrolled in the district but who no longer works at the district due to a workforce reduction. As used in this subdivision, "child" includes an adopted child, stepchild, or legal ward.

(k) An expelled pupil who has been denied reinstatement by the expelling district and is reinstated by another school board under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a.

(*l*) A pupil enrolled in a district other than the pupil's district of residence in a middle college program if the pupil's district of residence and the enrolling district are both constituent districts of the same intermediate district.

(m) A pupil enrolled in a district other than the pupil's district of residence who attends a United States Olympic Education Center.

(n) A pupil enrolled in a district other than the pupil's district of residence under section 1148(2) of the revised school code, MCL 380.1148.

(o) A pupil who enrolls in a district other than the pupil's district of residence as a result of the pupil's school not making adequate yearly progress under the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95.

However, if a district educates pupils who reside in another district and if the primary instructional site for those pupils is established by the educating district after 2009-2010 and is located within the boundaries of that other district, the educating district must have the approval of that other district to count those pupils in

© Courtesy of www.legislature.mi.gov

membership.

(7) "Pupil membership count day" of a district or intermediate district means:

(a) Except as provided in subdivision (b), the first Wednesday in October each school year or, for a district or building in which school is not in session on that Wednesday due to conditions not within the control of school authorities, with the approval of the superintendent, the immediately following day on which school is in session in the district or building. A district is considered to be in session for purposes of this subdivision when the district is providing pupil instruction pursuant to an extended COVID-19 learning plan approved under section 98a.

(b) For a district or intermediate district maintaining school during the entire school year, the following days:

(*i*) Fourth Wednesday in July.

(*ii*) First Wednesday in October.

(*iii*) Second Wednesday in February.

(*iv*) Fourth Wednesday in April.

(8) "Pupils in grades K to 12 actually enrolled and in regular daily attendance" means pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable. Except as otherwise provided in this subsection, a pupil who is absent from any of the classes in which the pupil is enrolled on the pupil membership count day or supplemental count day and who does not attend each of those classes during the 10 consecutive school days immediately following the pupil membership count day or supplemental count day, except for a pupil who has been excused by the district, is not counted as 1.0 full-time equated membership. A pupil who is excused from attendance on the pupil membership count day or supplemental count day and who fails to attend each of the classes in which the pupil is enrolled within 30 calendar days after the pupil membership count day or supplemental count day is not counted as 1.0 full-time equated membership. In addition, a pupil who was enrolled and in attendance in a district, intermediate district, or public school academy before the pupil membership count day or supplemental count day of a particular year but was expelled or suspended on the pupil membership count day or supplemental count day is only counted as 1.0 full-time equated membership if the pupil resumed attendance in the district, intermediate district, or public school academy within 45 days after the pupil membership count day or supplemental count day of that particular year. A pupil not counted as 1.0 full-time equated membership due to an absence from a class is counted as a prorated membership for the classes the pupil attended. For purposes of this subsection, "class" means a period of time in 1 day when pupils and an individual who is appropriately placed under a valid certificate, substitute permit, authorization, or approval issued by the department, are together and instruction is taking place.

(9) "Pupils engaged in pandemic learning for fall 2020" means pupils in grades K to 12 who are enrolled in a district, excluding a district that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, or intermediate district and to which any of the following apply:

(a) For a pupil who is not learning sequentially, any of the following occurs for each of the pupil's scheduled courses:

(*i*) The pupil attends a live lesson from the pupil's teacher or at least 1 of the pupil's teachers on 2020-2021 pupil membership count day.

(*ii*) The pupil logs into an online or virtual lesson or lesson activity on 2020-2021 pupil membership count day and the login can be documented by the district or intermediate district.

(*iii*) The pupil and the pupil's teacher or at least 1 of the pupil's teachers engage in a subject-oriented telephone conversation on 2020-2021 pupil membership count day.

(*iv*) The district or intermediate district documents that an electronic mail dialogue occurred between the pupil and the pupil's teacher or at least 1 of the pupil's teachers on 2020-2021 pupil membership count day.

(b) For a pupil who is using sequential learning, any of the following occurs for each of the pupil's scheduled courses:

(*i*) The pupil attends a virtual course where synchronous, live instruction occurs with the pupil's teacher or at least 1 of the pupil's teachers on 2020-2021 pupil membership count day and the attendance is documented by the district or intermediate district.

(*ii*) The pupil completes a course assignment on 2020-2021 pupil membership count day and the completion is documented by the district or intermediate district.

(*iii*) The pupil completes a course lesson or lesson activity on 2020-2021 pupil membership count day and the completion is documented by the district or intermediate district.

(*iv*) The pupil accesses an ongoing lesson that is not a login on 2020-2021 pupil membership count day and the access is documented by the district or intermediate district.

(c) At a minimum, 1 2-way interaction has occurred between the pupil and the pupil's teacher or at least 1

© Courtesy of www.legislature.mi.gov

of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress during the week on which 2020-2021 pupil membership count day falls and during each week for the 3 consecutive weeks after the week on which 2020-2021 pupil membership count day falls. A district may utilize 2-way interactions that occur under this subdivision toward meeting the requirement under section 101(3)(h). As used in this subdivision:

(*i*) "2-way interaction" means a communication that occurs between a pupil and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, where 1 party initiates communication and a response from the other party follows that communication, and that is relevant to course progress or course content for at least 1 of the courses in which the pupil is enrolled or relevant to the pupil's overall academic progress or grade progression. Responses, as described in this subparagraph, must be to communication initiated by the teacher, by another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, or by the pupil, and not some other action taken. The communication described in this subparagraph may occur through, but is not limited to, any of the following means:

(A) Electronic mail.

(B) Telephone.

(C) Instant messaging.

(D) Face-to-face conversation.

(*ii*) "Week" means a period beginning on Wednesday and ending on the following Tuesday.

(d) The pupil has not participated in or completed an activity as described in subdivision (a), (b), or (c) and the pupil was not excused from participation or completion, but the pupil participates in or completes an activity described in subdivision (a) or (b) during the 10 consecutive school days immediately following the 2020-2021 pupil membership count day.

(e) The pupil has not participated in or completed an activity as described in subdivision (a), (b), or (c) and the pupil was excused from participation or completion, but the pupil participates in or completes an activity described in subdivision (a) or (b) during the 30 calendar days immediately following the 2020-2021 pupil membership count day.

(f) The pupil meets the criteria of pupils in grades K to 12 actually enrolled and in regular daily attendance.

(10) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(11) "The revised school code" means the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(12) "School district of the first class", "first class school district", and "district of the first class" mean, for the purposes of this article only, a district that had at least 40,000 pupils in membership for the immediately preceding fiscal year.

(13) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.

(14) "State board" means the state board of education.

(15) "Superintendent", unless the context clearly refers to a district or intermediate district superintendent, means the superintendent of public instruction described in section 3 of article VIII of the state constitution of 1963.

(16) "Supplemental count day" means the day on which the supplemental pupil count is conducted under section 6a or the day specified as supplemental count day under section 6a.

(17) "Tuition pupil" means a pupil of school age attending school in a district other than the pupil's district of residence for whom tuition may be charged to the district of residence. Tuition pupil does not include a pupil who is a special education pupil, a pupil described in subsection (6)(c) to (o), or a pupil whose parent or guardian voluntarily enrolls the pupil in a district that is not the pupil's district of residence. A pupil's district of residence shall not require a high school tuition pupil, as provided under section 111, to attend another school district after the pupil has been assigned to a school district.

(18) "State school aid fund" means the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(19) "Taxable value" means the taxable value of property as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(20) "Textbook" means a book, electronic book, or other instructional print or electronic resource that is selected and approved by the governing board of a district and that contains a presentation of principles of a subject, or that is a literary work relevant to the study of a subject required for the use of classroom pupils, or another type of course material that forms the basis of classroom instruction.

(21) "Total state aid" or "total state school aid", except as otherwise provided in this article, means the total combined amount of all funds due to a district, intermediate district, or other entity under this article.

© Courtesy of www.legislature.mi.gov

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1979, Act 112, Imd. Eff. Oct. 4, 1979;—Am. 1979, Act 209, Imd. Eff. Jan. 10, 1980;—Am. 1980, Act 269, Imd. Eff. Sept. 30, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1981, Act 113, Eff. Oct. 1, 1981;—Am. 1981, Act 134, Imd. Eff. Oct. 20, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 218, Imd. Eff. Nov. 16, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1984, Act 253, Imd. Eff. Nov. 29, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1985, Act 144, Imd. Eff. Nov. 4, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1986, Act 298, Imd. Eff. Dec. 22, 1986;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 95, Imd. Eff. July 13, 1993;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Sept. 1, 1996;—Am. 1997, Act 93, Imd. Eff. Aug. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 227, Imd. Eff. July 21, 2004;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 150, Imd. Eff. Sept. 30, 2005;—Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Imd. Eff. Aug. 6, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2009, Act 187, Imd. Eff. Dec. 17, 2009;—Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 199, Imd. Eff. June 26, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2015, Act 223, Eff. Mar. 16, 2016;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 185, Eff. Sept. 11, 2018;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 266, Eff. Sept. 26, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The school district pupil accounting for distribution of state aid rules referred to in subsection (2) became effective August 17, 1984.

Section 2 of Act 220 of 1987 provides: "In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00."

Section 4 of Act 220 of 1987 provides: "The changes effected by this amendatory act shall be applied retroactively to October 1, 1987."

Subdivisions 4(u), 4(w), and 4(x), as added by Act 300 of 1996, were vetoed by the governor on June 19, 1996.

In subsection (4), as amended by Act 93 of 1997, the following sentences were vetoed by the governor on August 1, 1997: "Membership", except as otherwise provided in this act, means for a district, public school academy, university school, or intermediate district the sum of the product of .6 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year, plus the product of .4 times the final audited count from the supplemental count day for the immediately preceding school year, as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by a subsequent department audit. The amount of the foundation allowance to be paid on behalf of a pupil in membership is determined under section 20.

Subdivisions (4)(x) and (4)(y), as amended by Act 93 of 1997, were vetoed by the governor on August 1, 1997.

Subdivision (4)(y), as amended by Act 339 of 1998, was vetoed by the governor on October 13, 1998.

In subdivsion (4)(y), as amended by Act 297 of 2000, the phrase "2001-2002, and 2002-2003" was vetoed by the governor July 26, 2000.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00.

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

Administrative rules: R 340.1 et seq. of the Michigan Administrative Code.

****** 388.1606.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021. HOWEVER, SUBSECTION (8) OF THIS AMENDED SECTION APPLIES UPON ENACTMENT BEGINNING JULY 13, 2021: See compiler's note following this section. ******

388.1606.amended Additional definitions.

Sec. 6. (1) "Center program" means a program operated by a district or by an intermediate district for special education pupils from several districts in programs for pupils with autism spectrum disorder, pupils with severe cognitive impairment, pupils with moderate cognitive impairment, pupils with severe multiple impairments, pupils with hearing impairment, pupils with visual impairment, and pupils with physical impairment or other health impairment. Programs for pupils with emotional impairment housed in buildings that do not serve regular education pupils also qualify. Unless otherwise approved by the department, a center program either serves all constituent districts within an intermediate district or serves several districts with less than 50% of the pupils residing in the operating district. In addition, special education center program pupils placed part-time in noncenter programs to comply with the least restrictive environment provisions of section 1412 of the individuals with disabilities education act, 20 USC 1412, may be considered center program pupils for pupil accounting purposes for the time scheduled in either a center program or a noncenter program.

(2) "District and high school graduation rate" means the annual completion and pupil dropout rate that is calculated by the center pursuant to nationally recognized standards.

(3) "District and high school graduation report" means a report of the number of pupils, excluding adult education participants, in the district for the immediately preceding school year, adjusted for those pupils who have transferred into or out of the district or high school, who leave high school with a diploma or other credential of equal status.

(4) "Membership", except as otherwise provided in this subsection or this article, means for a district, a public school academy, or an intermediate district the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district on the pupil membership count day for the current school year, plus the product of .10 times the final audited count from the supplemental count day of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district for the immediately preceding school year. A district's, public school academy's, or intermediate district's membership is adjusted as provided under section 25e for pupils who enroll after the pupil membership count day in a strict discipline academy operating under sections 1311b to 1311m of the revised school code, MCL 380.1311b to 380.1311m. For 2021-2022 only, membership means for a district, a public school academy, or an intermediate district, the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district on the pupil membership count day for the current school year and the product of .10 times the final audited count of the number of full-time equated pupils engaged in pandemic learning for spring 2021, or, for a public school academy that operates as a cyber school, as that term is

© Courtesy of www.legislature.mi.gov

defined in section 551 of the revised school code, MCL 380.551, the final audited count from the supplemental count day of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the public school academy for the immediately preceding school year. All pupil counts used in this subsection are as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit. The amount of the foundation allowance for a pupil in membership is determined under section 20. In making the calculation of membership, all of the following, as applicable, apply to determining the membership of a district, a public school academy, or an intermediate district:

(a) Except as otherwise provided in this subsection, and pursuant to subsection (6), a pupil is counted in membership in the pupil's educating district or districts. An individual pupil must not be counted for more than a total of 1.0 full-time equated membership.

(b) If a pupil is educated in a district other than the pupil's district of residence, if the pupil is not being educated as part of a cooperative education program, if the pupil's district of residence does not give the educating district its approval to count the pupil in membership in the educating district, and if the pupil is not covered by an exception specified in subsection (6) to the requirement that the educating district must have the approval of the pupil's district of residence to count the pupil in membership, the pupil is not counted in membership in any district.

(c) A special education pupil educated by the intermediate district is counted in membership in the intermediate district.

(d) A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under section 53a, is counted in membership in the district or intermediate district approved by the department to operate the program.

(e) A pupil enrolled in the Michigan Schools for the Deaf and Blind is counted in membership in the pupil's intermediate district of residence.

(f) A pupil enrolled in a career and technical education program supported by a millage levied over an area larger than a single district or in an area vocational-technical education program established under section 690 of the revised school code, MCL 380.690, is counted in membership only in the pupil's district of residence.

(g) A pupil enrolled in a public school academy is counted in membership in the public school academy.

(h) For the purposes of this section and section 6a, for a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, that is in compliance with section 553a of the revised school code, MCL 380.553a, a pupil's participation in the cyber school's educational program is considered regular daily attendance, and for a district or public school academy, a pupil's participation in a virtual course as that term is defined in section 21f is considered regular daily attendance. For the purposes of this subdivision, for a pupil enrolled in a cyber school and utilizing sequential learning, participation means that term as defined in the pupil accounting manual, section 5-O-D: requirements for counting pupils in membership-subsection 10.

(i) For a new district or public school academy beginning its operation after December 31, 1994, membership for the first 2 full or partial fiscal years of operation is determined as follows:

(*i*) If operations begin before the pupil membership count day for the fiscal year, membership is the average number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year and on the supplemental count day for the current school year, as determined by the department and calculated by adding the number of pupils registered for attendance on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(*ii*) If operations begin after the pupil membership count day for the fiscal year and not later than the supplemental count day for the fiscal year, membership is the final audited count of the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the supplemental count day for the current school year.

(j) If a district is the authorizing body for a public school academy, then, in the first school year in which pupils are counted in membership on the pupil membership count day in the public school academy, the determination of the district's membership excludes from the district's pupil count for the immediately preceding supplemental count day any pupils who are counted in the public school academy on that first pupil membership count day who were also counted in the district on the immediately preceding supplemental count day.

(k) For an extended school year program approved by the superintendent, a pupil enrolled, but not scheduled to be in regular daily attendance, on a pupil membership count day, is counted in membership.

© Courtesy of www.legislature.mi.gov

(*l*) To be counted in membership, a pupil must meet the minimum age requirement to be eligible to attend school under section 1147 of the revised school code, MCL 380.1147, or must be enrolled under subsection (3) of that section, and must be less than 20 years of age on September 1 of the school year except as follows:

(*i*) A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year is counted in membership.

(*ii*) A pupil who is determined by the department to meet all of the following may be counted in membership:

(A) Is enrolled in a public school academy or an alternative education high school diploma program, that is primarily focused on educating pupils with extreme barriers to education, such as being homeless as that term is defined under 42 USC 11302.

(B) Had dropped out of school.

(C) Is less than 22 years of age as of September 1 of the current school year.

(*iii*) If a child does not meet the minimum age requirement to be eligible to attend school for that school year under section 1147 of the revised school code, MCL 380.1147, but will be 5 years of age not later than December 1 of that school year, the district may count the child in membership for that school year if the parent or legal guardian has notified the district in writing that he or she intends to enroll the child in kindergarten for that school year.

(m) An individual who has achieved a high school diploma is not counted in membership. An individual who has achieved a high school equivalency certificate is not counted in membership unless the individual is a student with a disability as that term is defined in R 340.1702 of the Michigan Administrative Code. An individual participating in a job training program funded under former section 107a or a jobs program funded under former section 107b, administered by the department of labor and economic opportunity, or participating in any successor of either of those 2 programs, is not counted in membership.

(n) If a pupil counted in membership in a public school academy is also educated by a district or intermediate district as part of a cooperative education program, the pupil is counted in membership only in the public school academy unless a written agreement signed by all parties designates the party or parties in which the pupil is counted in membership, and the instructional time scheduled for the pupil in the district or intermediate district is included in the full-time equated membership determination under subdivision (q) and section 101. However, for pupils receiving instruction in both a public school academy and in a district or intermediate district but not as a part of a cooperative education program, the following apply:

(*i*) If the public school academy provides instruction for at least 1/2 of the class hours required under section 101, the public school academy receives as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils is allocated to the district or intermediate district providing the remainder of the hours of instruction.

(*ii*) If the public school academy provides instruction for less than 1/2 of the class hours required under section 101, the district or intermediate district providing the remainder of the hours of instruction receives as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils is allocated to the public school academy.

(o) An individual less than 16 years of age as of September 1 of the current school year who is being educated in an alternative education program is not counted in membership if there are also adult education participants being educated in the same program or classroom.

(p) The department shall give a uniform interpretation of full-time and part-time memberships.

(q) The number of class hours used to calculate full-time equated memberships must be consistent with section 101. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution or for pupils engaged in an internship or work experience under section 1279h of the revised school code, MCL 380.1279h, a pupil is not considered to be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment or engagement in the internship or work experience, including necessary travel time, on the number of class hours provided by the district to the pupil.

(r) Full-time equated memberships for pupils in kindergarten are determined by dividing the number of instructional hours scheduled and provided per year per kindergarten pupil by the same number used for determining full-time equated memberships for pupils in grades 1 to 12. However, to the extent allowable under federal law, for a district or public school academy that provides evidence satisfactory to the department that it used federal title I money in the 2 immediately preceding school fiscal years to fund

© Courtesy of www.legislature.mi.gov

full-time kindergarten, full-time equated memberships for pupils in kindergarten are determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 1/2 the number used for determining full-time equated memberships for pupils in grades 1 to 12. The change in the counting of full-time equated memberships for pupils in kindergarten that took effect for 2012-2013 is not a mandate.

(s) For a district or a public school academy that has pupils enrolled in a grade level that was not offered by the district or public school academy in the immediately preceding school year, the number of pupils enrolled in that grade level to be counted in membership is the average of the number of those pupils enrolled and in regular daily attendance on the pupil membership count day and the supplemental count day of the current school year. Membership is calculated by adding the number of pupils registered for attendance in that grade level on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(t) A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

(u) If, as a result of a disciplinary action, a district determines through the district's alternative or disciplinary education program that the best instructional placement for a pupil is in the pupil's home or otherwise apart from the general school population, if that placement is authorized in writing by the district superintendent and district alternative or disciplinary education supervisor, and if the district provides appropriate instruction as described in this subdivision to the pupil at the pupil's home or otherwise apart from the general school population, the district may count the pupil in membership on a pro rata basis, with the proration based on the number of hours of instruction the district actually provides to the pupil divided by the number of hours required under section 101 for full-time equivalency. For the purposes of this subdivision, a district is considered to be providing appropriate instruction if all of the following are met:

(*i*) The district provides at least 2 nonconsecutive hours of instruction per week to the pupil at the pupil's home or otherwise apart from the general school population under the supervision of a certificated teacher.

(*ii*) The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.

(*iii*) Course content is comparable to that in the district's alternative education program.

(*iv*) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(v) If a pupil was enrolled in a public school academy on the pupil membership count day, if the public school academy's contract with its authorizing body is revoked or the public school academy otherwise ceases to operate, and if the pupil enrolls in a district within 45 days after the pupil membership count day, the department shall adjust the district's pupil count for the pupil membership count day to include the pupil in the count.

(w) For a public school academy that has been in operation for at least 2 years and that suspended operations for at least 1 semester and is resuming operations, membership is the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the first pupil membership count day or supplemental count day, whichever is first, occurring after operations resume, plus the product of .10 times the final audited count from the most recent pupil membership count day or supplemental count day that occurred before suspending operations, as determined by the superintendent.

(x) If a district's membership for a particular fiscal year, as otherwise calculated under this subsection, would be less than 1,550 pupils, the district has 4.5 or fewer pupils per square mile, as determined by the department, and the district does not receive funding under section 22d(2), the district's membership is considered to be the membership figure calculated under this subdivision. If a district educates and counts in its membership pupils in grades 9 to 12 who reside in a contiguous district that does not operate grades 9 to 12 and if 1 or both of the affected districts request the department to use the determination allowed under this sentence, the department shall include the square mileage of both districts in determining the number of pupils per square mile for each of the districts for the purposes of this subdivision. If a district has established a community engagement advisory committee in partnership with the department of treasury, is required to submit a deficit elimination plan or an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and is located in a city with a population between 9,000 and 11,000, as determined by the department, that is in a county with a population between 150,000 and 160,000, as determined by the department, the district's membership is considered to be the membership figure calculated under this subdivision. The membership figure calculated under this subdivision is the greater of the following:

(*i*) The average of the district's membership for the 3-fiscal-year period ending with that fiscal year,

© Courtesy of www.legislature.mi.gov

calculated by adding the district's actual membership for each of those 3 fiscal years, as otherwise calculated under this subsection, and dividing the sum of those 3 membership figures by 3.

(*ii*) The district's actual membership for that fiscal year as otherwise calculated under this subsection.

(y) Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are enrolled in a classroom program under R 340.1754 of the Michigan Administrative Code are determined by dividing the number of class hours scheduled and provided per year by 450. Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are receiving early childhood special education services under R 340.1755 or R 340.1862 of the Michigan Administrative Code are determined by dividing the number of hours of service scheduled and provided per year per pupil by 180.

(z) A pupil of a district that begins its school year after Labor Day who is enrolled in an intermediate district program that begins before Labor Day is not considered to be less than a full-time pupil solely due to instructional time scheduled but not attended by the pupil before Labor Day.

(aa) For the first year in which a pupil is counted in membership on the pupil membership count day in a middle college program, the membership is the average of the full-time equated membership on the pupil membership count day and on the supplemental count day for the current school year, as determined by the department. If a pupil described in this subdivision was counted in membership by the operating district on the immediately preceding supplemental count day, the pupil is excluded from the district's immediately preceding supplemental count for the purposes of determining the district's membership.

(bb) A district or public school academy that educates a pupil who attends a United States Olympic Education Center may count the pupil in membership regardless of whether or not the pupil is a resident of this state.

(cc) A pupil enrolled in a district other than the pupil's district of residence under section 1148(2) of the revised school code, MCL 380.1148, is counted in the educating district.

(dd) For a pupil enrolled in a dropout recovery program that meets the requirements of section 23a, the pupil is counted as 1/12 of a full-time equated membership for each month that the district operating the program reports that the pupil was enrolled in the program and was in full attendance. However, if the special membership counting provisions under this subdivision and the operation of the other membership counting provisions under this subsection result in a pupil being counted as more than 1.0 FTE in a fiscal year, the payment made for the pupil under sections 22a and 22b must not be based on more than 1.0 FTE for that pupil, and any portion of an FTE for that pupil that exceeds 1.0 is instead paid under section 25g. The district operating the program shall report to the center the number of pupils who were enrolled in the program and were in full attendance for a month not later than 30 days after the end of the month. A district shall not report a pupil as being in full attendance for a month unless both of the following are met:

(*i*) A personalized learning plan is in place on or before the first school day of the month for the first month the pupil participates in the program.

(*ii*) The pupil meets the district's definition under section 23a of satisfactory monthly progress for that month or, if the pupil does not meet that definition of satisfactory monthly progress for that month, the pupil did meet that definition of satisfactory monthly progress in the immediately preceding month and appropriate interventions are implemented within 10 school days after it is determined that the pupil does not meet that definition of satisfactory monthly progress.

(ee) A pupil participating in a virtual course under section 21f is counted in membership in the district enrolling the pupil.

(ff) If a public school academy that is not in its first or second year of operation closes at the end of a school year and does not reopen for the next school year, the department shall adjust the membership count of the district or other public school academy in which a former pupil of the closed public school academy enrolls and is in regular daily attendance for the next school year to ensure that the district or other public school academy receives the same amount of membership aid for the pupil as if the pupil were counted in the district or other public school academy on the supplemental count day of the preceding school year.

(gg) If a special education pupil is expelled under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, and is not in attendance on the pupil membership count day because of the expulsion, and if the pupil remains enrolled in the district and resumes regular daily attendance during that school year, the district's membership is adjusted to count the pupil in membership as if he or she had been in attendance on the pupil membership count day.

(hh) A pupil enrolled in a community district is counted in membership in the community district.

(ii) A part-time pupil enrolled in a nonpublic school in grades K to 12 in accordance with section 166b must not be counted as more than 0.75 of a full-time equated membership.

(jj) A district that borders another state or a public school academy that operates at least grades 9 to 12 and is located within 20 miles of a border with another state may count in membership a pupil who is enrolled in a

© Courtesy of www.legislature.mi.gov

course at a college or university that is located in the bordering state and within 20 miles of the border with this state if all of the following are met:

(*i*) The pupil would meet the definition of an eligible student under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, if the course were an eligible course under that act.

(*ii*) The course in which the pupil is enrolled would meet the definition of an eligible course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, if the course were provided by an eligible postsecondary institution under that act.

(*iii*) The department determines that the college or university is an institution that, in the other state, fulfills a function comparable to a state university or community college, as those terms are defined in section 3 of the postsecondary enrollment options act, 1996 PA 160, MCL 388.513, or is an independent nonprofit degree-granting college or university.

(*iv*) The district or public school academy pays for a portion of the pupil's tuition at the college or university in an amount equal to the eligible charges that the district or public school academy would pay to an eligible postsecondary institution under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, as if the course were an eligible course under that act.

(*v*) The district or public school academy awards high school credit to a pupil who successfully completes a course as described in this subdivision.

(kk) A pupil enrolled in a middle college program may be counted for more than a total of 1.0 full-time equated membership if the pupil is enrolled in more than the minimum number of instructional days and hours required under section 101 and the pupil is expected to complete the 5-year program with both a high school diploma and at least 60 transferable college credits or is expected to earn an associate's degree in fewer than 5 years.

(*ll*) If a district's or public school academy's membership for a particular fiscal year, as otherwise calculated under this subsection, includes pupils counted in membership who are enrolled under section 166b, all of the following apply for the purposes of this subdivision:

(*i*) If the district's or public school academy's membership for pupils counted under section 166b equals or exceeds 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b in the immediately preceding fiscal year, then the growth in the district's or public school academy's membership for pupils counted under section 166b must not exceed 10%.

(*ii*) If the district's or public school academy's membership for pupils counted under section 166b is less than 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b in the immediately preceding fiscal year, then the district's or public school academy's membership for pupils counted under section 166b must not exceed the greater of the following:

(A) 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b.

(B) 10% more than the district's or public school academy's membership for pupils counted under section 166b in the immediately preceding fiscal year.

(*iii*) If 1 or more districts consolidate or are parties to an annexation, then the calculations under subparagraphs (*i*) and (*ii*) must be applied to the combined total membership for pupils counted in those districts for the fiscal year immediately preceding the consolidation or annexation.

(5) "Public school academy" means that term as defined in section 5 of the revised school code, MCL 380.5.

(6) "Pupil" means an individual in membership in a public school. A district must have the approval of the pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence is not required for any of the following:

(a) A nonpublic part-time pupil enrolled in grades K to 12 in accordance with section 166b.

(b) A pupil receiving 1/2 or less of his or her instruction in a district other than the pupil's district of residence.

(c) A pupil enrolled in a public school academy.

(d) A pupil enrolled in a district other than the pupil's district of residence if the pupil is enrolled in accordance with section 105 or 105c.

(e) A pupil who has made an official written complaint or whose parent or legal guardian has made an official written complaint to law enforcement officials and to school officials of the pupil's district of residence that the pupil has been the victim of a criminal sexual assault or other serious assault, if the official complaint either indicates that the assault occurred at school or that the assault was committed by 1 or more other pupils enrolled in the school the pupil would otherwise attend in the district of residence or by an employee of the district of residence. A person who intentionally makes a false report of a crime to law enforcement officials for the purposes of this subdivision is subject to section 411a of the Michigan penal

© Courtesy of www.legislature.mi.gov

code, 1931 PA 328, MCL 750.411a, which provides criminal penalties for that conduct. As used in this subdivision:

(*i*) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(*ii*) "Serious assault" means an act that constitutes a felony violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90h, or that constitutes an assault and infliction of serious or aggravated injury under section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a.

(f) A pupil whose district of residence changed after the pupil membership count day and before the supplemental count day and who continues to be enrolled on the supplemental count day as a nonresident in the district in which he or she was enrolled as a resident on the pupil membership count day of the same school year.

(g) A pupil enrolled in an alternative education program operated by a district other than his or her district of residence who meets 1 or more of the following:

(*i*) The pupil has been suspended or expelled from his or her district of residence for any reason, including, but not limited to, a suspension or expulsion under section 1310, 1311, or 1311a of the revised school code, MCL 380.1310, 380.1311, and 380.1311a.

(*ii*) The pupil had previously dropped out of school.

(*iii*) The pupil is pregnant or is a parent.

(*iv*) The pupil has been referred to the program by a court.

(h) A pupil enrolled in the Michigan Virtual School, for the pupil's enrollment in the Michigan Virtual School.

(i) A pupil who is the child of a person who works at the district or who is the child of a person who worked at the district as of the time the pupil first enrolled in the district but who no longer works at the district due to a workforce reduction. As used in this subdivision, "child" includes an adopted child, stepchild, or legal ward.

(j) An expelled pupil who has been denied reinstatement by the expelling district and is reinstated by another school board under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a.

(k) A pupil enrolled in a district other than the pupil's district of residence in a middle college program if the pupil's district of residence and the enrolling district are both constituent districts of the same intermediate district.

(*l*) A pupil enrolled in a district other than the pupil's district of residence who attends a United States Olympic Education Center.

(m) A pupil enrolled in a district other than the pupil's district of residence under section 1148(2) of the revised school code, MCL 380.1148.

(n) A pupil who enrolls in a district other than the pupil's district of residence as a result of the pupil's school not making adequate yearly progress under the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95.

However, if a district educates pupils who reside in another district and if the primary instructional site for those pupils is established by the educating district after 2009-2010 and is located within the boundaries of that other district, the educating district must have the approval of that other district to count those pupils in membership.

(7) "Pupil membership count day" of a district or intermediate district means:

(a) Except as provided in subdivision (b), the first Wednesday in October each school year or, for a district or building in which school is not in session on that Wednesday due to conditions not within the control of school authorities, with the approval of the superintendent, the immediately following day on which school is in session in the district or building.

(b) For a district or intermediate district maintaining school during the entire school year, the following days:

(*i*) Fourth Wednesday in July.

(*ii*) First Wednesday in October.

(*iii*) Second Wednesday in February.

(*iv*) Fourth Wednesday in April.

(8) "Pupils in grades K to 12 actually enrolled and in regular daily attendance" means pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable. Except as otherwise provided in this subsection, a pupil who is absent from any of the classes in which the pupil is enrolled on the pupil membership count day or supplemental count day and who does not attend each of those classes during the 10 consecutive school days immediately following the pupil membership count day or supplemental count day, except for a pupil

© Courtesy of www.legislature.mi.gov

who has been excused by the district, is not counted as 1.0 full-time equated membership. A pupil who is excused from attendance on the pupil membership count day or supplemental count day and who fails to attend each of the classes in which the pupil is enrolled within 30 calendar days after the pupil membership count day or supplemental count day is not counted as 1.0 full-time equated membership. In addition, a pupil who was enrolled and in attendance in a district, intermediate district, or public school academy before the pupil membership count day or supplemental count day of a particular year but was expelled or suspended on the pupil membership count day or supplemental count day is only counted as 1.0 full-time equated membership if the pupil resumed attendance in the district, intermediate district, or public school academy within 45 days after the pupil membership count day or supplemental count day of that particular year. A pupil not counted as 1.0 full-time equated membership due to an absence from a class is counted as a prorated membership for the classes the pupil attended. For purposes of this subsection, "class" means either of the following, as applicable:

(a) A period of time in 1 day when pupils and an individual who is appropriately placed under a valid certificate, substitute permit, authorization, or approval issued by the department, are together and instruction is taking place. This subdivision does not apply for the 2020-2021 and 2021-2022 school years.

(b) For the 2020-2021 and 2021-2022 school years only, a period of time in 1 day when pupils and a certificated teacher, a teacher engaged to teach under section 1233b of the revised school code, MCL 380.1233b, or an individual working under a valid substitute permit, authorization, or approval issued by the department are together and instruction is taking place.

(9) "Pupils engaged in pandemic learning for spring 2021" means that term as defined in section 6a.

(10) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(11) "The revised school code" means the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(12) "School district of the first class", "first class school district", and "district of the first class" mean, for the purposes of this article only, a district that had at least 40,000 pupils in membership for the immediately preceding fiscal year.

(13) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.

(14) "State board" means the state board of education.

(15) "Superintendent", unless the context clearly refers to a district or intermediate district superintendent, means the superintendent of public instruction described in section 3 of article VIII of the state constitution of 1963.

(16) "Supplemental count day" means the day on which the supplemental pupil count is conducted under section 6a or the day specified as supplemental count day under section 6a.

(17) "Tuition pupil" means a pupil of school age attending school in a district other than the pupil's district of residence for whom tuition may be charged to the district of residence. Tuition pupil does not include a pupil who is a special education pupil, a pupil described in subsection (6)(d) to (n), or a pupil whose parent or guardian voluntarily enrolls the pupil in a district that is not the pupil's district of residence. A pupil's district of residence shall not require a high school tuition pupil, as provided under section 111, to attend another school district after the pupil has been assigned to a school district.

(18) "State school aid fund" means the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(19) "Taxable value" means, except as otherwise provided in this article, the taxable value of property as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(20) "Textbook" means a book, electronic book, or other instructional print or electronic resource that is selected and approved by the governing board of a district and that contains a presentation of principles of a subject, or that is a literary work relevant to the study of a subject required for the use of classroom pupils, or another type of course material that forms the basis of classroom instruction.

(21) "Total state aid" or "total state school aid", except as otherwise provided in this article, means the total combined amount of all funds due to a district, intermediate district, or other entity under this article.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1979, Act 112, Imd. Eff. Oct. 4, 1979;—Am. 1979, Act 209, Imd. Eff. Jan. 10, 1980;—Am. 1980, Act 269, Imd. Eff. Sept. 30, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1981, Act 113, Eff. Oct. 1, 1981;—Am. 1981, Act 134, Imd. Eff. Oct. 20, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 218, Imd. Eff. Nov. 16, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1984, Act 253, Imd. Eff. Nov. 29, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1985, Act 144, Imd. Eff. Nov. 4, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1986, Act 298, Imd. Eff. Dec. 22, 1986;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 95, Imd. Eff. July 13, 1993;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22,

© Courtesy of www.legislature.mi.gov

1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Sept. 1, 1996;—Am. 1997, Act 93, Imd. Eff. Aug. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 227, Imd. Eff. July 21, 2004;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 150, Imd. Eff. Sept. 30, 2005;—Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Imd. Eff. Aug. 6, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2009, Act 187, Imd. Eff. Dec. 17, 2009;—Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 199, Imd. Eff. June 26, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2015, Act 223, Eff. Mar. 16, 2016;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 185, Eff. Sept. 11, 2018;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 266, Eff. Sept. 26, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The school district pupil accounting for distribution of state aid rules referred to in subsection (2) became effective August 17, 1984.

Section 2 of Act 220 of 1987 provides: "In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00."

Section 4 of Act 220 of 1987 provides: "The changes effected by this amendatory act shall be applied retroactively to October 1, 1987."

Subdivisions 4(u), 4(w), and 4(x), as added by Act 300 of 1996, were vetoed by the governor on June 19, 1996.

In subsection (4), as amended by Act 93 of 1997, the following sentences were vetoed by the governor on August 1, 1997: "Membership", except as otherwise provided in this act, means for a district, public school academy, university school, or intermediate district the sum of the product of .6 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year, plus the product of .4 times the final audited count from the supplemental count day for the immediately preceding school year, as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by a subsequent department audit. The amount of the foundation allowance to be paid on behalf of a pupil in membership is determined under section 20.

Subdivisions (4)(x) and (4)(y), as amended by Act 93 of 1997, were vetoed by the governor on August 1, 1997.

Subdivision (4)(y), as amended by Act 339 of 1998, was vetoed by the governor on October 13, 1998.

In subdivsion (4)(y), as amended by Act 297 of 2000, the phrase "2001-2002, and 2002-2003" was vetoed by the governor July 26, 2000.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00.

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state

© Courtesy of www.legislature.mi.gov

appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

Enacting section 3 of Act 48 of 2021 provides:

"Enacting section 3. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect October 1, 2021.

(2) Sections 6(8), 6a, 11, 11m, 11n, 11s(3), 22a, 22b, 24, 26c, 29a, 31d, 31f, 39a, 51a, 51c, 51d, 56, 62, 81, 104a, 147a, and 147e of the state school aid act of 1979, 1979 PA 94, MCL 388.1606, 388.1606a, 388.1611, 388.1611m, 388.1611n, 388.1611s, 388.1622a, 388.1622b, 388.1624, 388.1626c, 388.1629a, 388.1631d, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1656, 388.1662, 388.1681, 388.1704a, 388.1747a, and 388.1747e, as amended and sections 11t, 31p, and 39(9) of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, take effect upon enactment of this amendatory act."

Administrative rules: R 340.1 et seq. of the Michigan Administrative Code.

388.1606a Supplemental pupil count; exception for pandemic learning and cyber schools for 2020-2021 only; definitions.

Sec. 6a. (1) Except as otherwise provided in this subsection and this act, in addition to the pupil membership count day, there is a supplemental pupil count of the number of full-time equated pupils in grades K-12 actually enrolled and in regular daily attendance in a district or intermediate district on the second Wednesday in February or, for a district that is not in session on that day due to conditions not within the control of school authorities, with the approval of the superintendent, the immediately following day on which the district is in session, but, for 2020-2021 only, in addition to the pupil membership count day, there is a supplemental pupil count of the number of full-time equated pupils engaged in pandemic learning for spring 2021 or, for a district that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, the number of full-time equated pupils in grades K to 12 actually enrolled and in regular attendance in the district on 2020-2021 supplemental count day. For the purposes of this act, and except as otherwise provided in this subsection, the day on which the supplemental pupil count is conducted is the supplemental count day. For 2020-2021, for purposes of this act, and except as otherwise specifically provided in this article, supplemental count day is the second Wednesday in February or, for a district that is not in session on that day due to conditions not within the control of school authorities, with the approval of the superintendent, the immediately following day on which the district is in session. A district is considered to be in session for purposes of this subsection when the district is providing pupil instruction pursuant to an extended COVID-19 learning plan approved under section 98a.

(2) As used in this section, "pupils engaged in pandemic learning for spring 2021" means pupils in grades K to 12 who are enrolled in a district, excluding a district that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, or intermediate district and to which any of the following apply:

(a) For a pupil who is not learning sequentially, any of the following occurs for each of the pupil's scheduled courses:

(*i*) The pupil attends a live lesson from the pupil's teacher or at least 1 of the pupil's teachers on 2020-2021 supplemental count day.

(*ii*) The pupil logs into an online or virtual lesson or lesson activity on 2020-2021 supplemental count day and the login can be documented by the district or intermediate district.

(*iii*) The pupil and the pupil's teacher or at least 1 of the pupil's teachers engage in a subject-oriented telephone conversation on 2020-2021 supplemental count day.

(*iv*) The district or intermediate district documents that an email dialogue occurred between the pupil and the pupil's teacher or at least 1 of the pupil's teachers on 2020-2021 supplemental count day.

(b) For a pupil who is using sequential learning, any of the following occurs for each of the pupil's scheduled courses:

(*i*) The pupil attends a virtual course where synchronous, live instruction occurs with the pupil's teacher or at least 1 of the pupil's teachers on 2020-2021 supplemental count day and the attendance is documented by the district or intermediate district.

(*ii*) The pupil completes a course assignment on 2020-2021 supplemental count day and the completion is documented by the district or intermediate district.

(*iii*) The pupil completes a course lesson or lesson activity on 2020-2021 supplemental count day and the

© Courtesy of www.legislature.mi.gov

completion is documented by the district or intermediate district.

(*iv*) The pupil accesses an ongoing lesson that is not a login on 2020-2021 supplemental count day and the access is documented by the district or intermediate district.

(c) At a minimum, 1 2-way interaction has occurred between the pupil and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress during the week on which 2020-2021 supplemental count day falls and during each week for the 3 consecutive weeks after the week on which 2020-2021 supplemental count day falls. A district may utilize 2-way interactions that occur under this subdivision toward meeting the requirement under section 101(3)(h). As used in this subdivision:

(*i*) "2-way interaction" means a communication that occurs between a pupil and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, where 1 party initiates communication and a response from the other party follows that communication, and that is relevant to course progress or course content for at least 1 of the courses in which the pupil is enrolled or relevant to the pupil's overall academic progress or grade progression. Responses, as described in this subparagraph, must be to communication initiated by the teacher, by another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, or by the pupil, and not some other action taken. The communication described in this subparagraph may occur through, but is not limited to, any of the following means:

(A) Email.

(B) Telephone.

(C) Instant messaging.

(D) Face-to-face conversation.

(*ii*) "Week" means a period beginning on Wednesday and ending on the following Tuesday.

(d) The pupil has not participated or completed an activity described in subdivision (a), (b), or (c) and the pupil was not excused from participation or completion, but the pupil participates in or completes an activity described in subdivision (a) or (b) during the 10 consecutive school days immediately following the 2020-2021 supplemental count day.

(e) The pupil has not participated or completed an activity described in subdivision (a), (b), or (c) and the pupil was excused from participation or completion, but the pupil participates in or completes an activity described in subdivision (a) or (b) during the 30 calendar days immediately following the 2020-2021 supplemental count day.

(f) The pupil meets the criteria of pupils in grades K to 12 actually enrolled and in regular daily attendance.

History: Add. 1993, Act 336, Eff. Mar. 15, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: This section, as added by Act 336 of 1993, was originally compiled as MCL 388.1606a[1] to distinguish it from a Sec. 6a added by Act 254 of 1992, which pertained to use of alternate pupil membership count day, that was compiled as MCL 388.1606a prior to its repeal by enacting section 3(b) of Act 283 of 1994, Eff. Oct. 1, 1994.

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1606b Enrollment of nonresident pupil; counting pupil in membership; adjustment of educating district's pupil count.

Sec. 6b. (1) A district enrolling a nonresident pupil with the approval of the pupil's district of residence may count the pupil in membership in a school year if the approval of the pupil's district of residence is received before the end of that school year.

(2) If the approval described in subsection (1) is received by the educating district at any time before the end of its school year, the department shall adjust the educating district's pupil count for the pupil membership count day or the supplemental count day of that school year, or both as necessary to ensure that the pupil is counted in membership in the educating district for those pupil counts for which the pupil was enrolled and in attendance.

History: Add. 1997, Act 24, Imd. Eff. June 16, 1997.

Compiler's note: Former MCL 388.1606b, which pertained to administration of alternative education, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

388.1606c, 388.1606d Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed sections pertained to alternative education programs and district as authorizing body for public school

© Courtesy of www.legislature.mi.gov

academy.

388.1607 Expenditures included in costs for school operating purposes.

Sec. 7. Costs for school operating purposes include all expenditures necessary to carry out the powers and the financial obligations of the district or intermediate district under the revised school code.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2013, Act 97, Eff. Oct. 1, 2013.

388.1608 Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to furnishing annual pupil dropout rate.

388.1608a Repealed. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's note: The repealed section pertained to grades K-3 average pupil count.

388.1608b Public school academy district code; assignment; cyber school assignment requirements.

Sec. 8b. (1) The department shall work with the center to assign a district code to each public school academy that is authorized under the revised school code and is eligible to receive funding under this article within 30 days after a contract is submitted to the department by the authorizing body of a public school academy.

(2) If the department or the center does not assign a district code to a public school academy within the 30-day period described in subsection (1), the district code to be used by the department to make payments under this article to the newly authorized public school academy is a number that is equivalent to the sum of the last district code assigned to a public school academy located in the same county as the newly authorized public school academy plus 1. However, if there is not an existing public school academy located in the same county as the newly authorized public school academy, then the district code to be used by the department to make payments under this article to the newly authorized public school academy is a 5-digit number that has the county code in which the public school academy is located as its first 2 digits, 9 as its third digit, 0 as its fourth digit, and 1 as its fifth digit. If the number of public school academies in a county grows to exceed 100, the third digit in this 5-digit number is 7 for the public school academies in excess of 100. If the number of public school academies in a county grows to exceed 200, then the third digit in this 5-digit number is 5 for the public school academies in excess of 200.

(3) For each school of excellence that is a cyber school authorized under part 6e of the revised school code, MCL 380.551 to 380.561, and that is eligible to receive funding under this article, all of the following apply:

(a) The department shall assign a district code that includes as the first 2 digits the county code in which the authorizing body is located.

(b) If the cyber school does not provide instruction at a specific location, all of the following apply:

(*i*) If the cyber school is authorized by an intermediate district board, the cyber school is assigned to the jurisdiction of that intermediate district.

(*ii*) If the cyber school is authorized by a district board, the cyber school is assigned to the jurisdiction of the intermediate district in which the district is located.

(*iii*) If the cyber school is authorized by the board of a community college or governing board of a state public university, the cyber school is assigned to the jurisdiction of the intermediate district in which the administrative office of the cyber school is located.

(c) The intermediate district's jurisdiction to which a cyber school is assigned under this subsection remains the same for as long as that cyber school is in operation unless the cyber school experiences a change in its authorizing body. If a change in the authorizing body of a cyber school described under subdivision (b) occurs, subdivision (b) must be applied to account for the change and the cyber school must be reassigned to the jurisdiction of the applicable intermediate district, as required under subdivision (b).

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2019, Act 58, Eff. Oct. 1, 2019.

388.1608c Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to broadband telecommunications infrastructure information.

388.1609 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to rules.

© Courtesy of www.legislature.mi.gov

388.1610 Repealed. 1999, Act 119, Imd. Eff. July 20, 1999.

Compiler's note: The repealed section pertained to disposition of funds under MCL 432.201 to 432.216 to separate account.

388.1611 Appropriations.

Sec. 11. (1) 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 $13,715,807,900.00 from the state school aid fund, the sum of $54,464,600.00 from the general fund, an amount not to exceed $79,800,000.00 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, 2022, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of $14,797,232,100.00 from the state school aid fund, the sum of $85,400,000.00 from the general fund, an amount not to exceed $72,000,000.00 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 only appropriated as allocated in this article for the fiscal years ending September 30, 2021 and September 30, 2022.

(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.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Imd. Eff. June 19, 1996;—Am. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003;—Am. 2003, Act 236, Imd. Eff. Dec. 29, 2003;—Am. 2004, Act 185, Imd. Eff. July 1, 2004;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2004, Act 518, Imd. Eff. Jan. 3, 2005;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2013, Act 97, Eff. Oct. 1, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Imd. Eff. June 24, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021;—Am. 2021, Act 47, Imd. Eff. July 7, 2021;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Section 2 of Act 220 of 1987 provides: "In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00."

Section 4 of Act 220 of 1987 provides: "The changes effected by this amendatory act shall be applied retroactively to October 1, 1987."

Enacting section 1 of Act 191 of 2002 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2001 PA 121 and 2000 PA 297 from state sources for fiscal year 2001-2002 is estimated at $11,220,561,700.00 and state appropriations to be paid to local units of government for fiscal year 2001-2002 are estimated at $11,181,789,800.00; and total state spending in this amendatory act and in 2001 PA 121 and 2000 PA 297 from state sources for fiscal year 2002-2003 is estimated at $11,472,054,900.00 and state appropriations to be paid to local units of government for fiscal year 2002-2003 are estimated at $11,420,969,500.00."

Enacting section 1 of Act 521 of 2002 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2002 PA 191, 2001 PA 121, and 2000 PA 297 from state sources for fiscal year 2002-2003 is estimated at $11,490,554,900.00 and state appropriations to be paid to local units of government for fiscal year 2002-2003 are estimated at

© Courtesy of www.legislature.mi.gov

$11,439,469,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2003-2004 is estimated at $11,477,080,900.00 and state appropriations to be paid to local units of government for fiscal year 2003-2004 are estimated at $11,431,369,500.00.”

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 236 of 2003 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2003 PA 158 and 2002 PA 521 from state sources for fiscal year 2003-2004 is estimated at $11,290,087,100.00 and state appropriations to be paid to local units of government for fiscal year 2003-2004 are estimated at $11,274,332,800.00.”

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of 2007 PA 6 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2006 PA 342 from state sources for fiscal year 2006-2007 is estimated at $11,596,963,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,492,472,200.00."

Enacting section 1 of Act 92 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 110 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,565,511,000.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2010-2011 is estimated at $10,979,765,400.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,854,068,100.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state

© Courtesy of www.legislature.mi.gov

appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

Enacting section 1 of Act 217 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

Enacting section 1 of Act 62 of 2011 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I as amended by this amendatory act and in 2010 PA 217 from state sources for fiscal year 2010-2011 is estimated at $10,775,902,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,673,832,600.00; and total state spending on school aid under article I as amended by this amendatory act from state sources for fiscal year 2011-2012 is estimated at $11,005,741,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,716,987,100.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2011-2012 under article II as added by this amendatory act is estimated at $283,880,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2011-2012 is estimated at $283,880,500.00.

(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2011-2012 under article III as added by this amendatory act is estimated at $1,263,952,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2011-2012 is estimated at $0."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

Enacting section 1 of Act 29 of 2012 provides:

"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, in this amendatory act, in 2011 PA 299, and in 2011 PA 62 from state sources for fiscal year 2011-2012 is estimated at $11,085,976,000.00 and state appropriations to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,963,019,500.00."

Enacting section 1 of Act 201 of 2012 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, as amended by this amendatory act and by 2012 PA 29, 2011 PA 62, and 2011 PA 299, total state spending on school aid from state sources for fiscal year 2011-2012 is estimated at $11,088,852,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,839,921,300.00; and total state spending on school aid from state sources for fiscal year 2012-2013 is estimated at $11,243,487,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2012-2013 are estimated at $10,934,991,200.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2012-2013 under article II is estimated at $294,130,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $294,130,500.00.

(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2012-2013 under article III of the state school aid act of 1979, 1979 PA 94, as amended by this amendatory act, is estimated at $1,302,194,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $0."

Enacting section 1 of Act 465 of 2012 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, as amended by this amendatory act and by 2012 PA 201, total state spending on school aid from state sources for fiscal year 2012-2013 is estimated at $11,243,645,600.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,935,149,700.00."

Enacting section 1 of Act 60 of 2013 provides:

"Enacting section 1. (1) In accordance with section 30 of article I 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 2012 PA 201, 2012 PA 465, and this amendatory act from state sources for fiscal year 2012-2013 is estimated at $11,211,014,200.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $11,032,518,300.00. In accordance with section 30 of article I 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 this amendatory act, from state sources for fiscal year 2013-2014 is estimated at $11,597,382,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,437,124,700.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending on community colleges under article II as amended by 2012 PA 201 and this amendatory act from state sources for fiscal year 2012-2013 is estimated at $306,630,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $306,630,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2013-2014 under article II is estimated at $335,977,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2013-2014 is estimated at $335,977,600.00.

(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2013-2014 under article III is estimated at $1,333,547,100.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2013-2014 is estimated at $0.00."

Enacting section 1 of Act 97 of 2013 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending on school aid

© Courtesy of www.legislature.mi.gov

under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by enrolled House Bill No. 4228 of the 97th Legislature and this amendatory act, from state sources for fiscal year 2013-2014 is estimated at $11,602,282,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,442,024,700.00."

Enacting section 1 of Act 116 of 2014 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under 2013 PA 60, 2013 PA 130, and this amendatory act from state sources for fiscal year 2013-2014 is estimated at $11,506,132,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,343,224,700.00.

"Enacting section 1 of Act 196 of 2014 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under 2013 PA 60, 2013 PA 130, 2014 PA 116, and this amendatory act from state sources for fiscal year 2013-2014 is estimated at $11,506,132,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,343,224,700.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article IX as amended by this amendatory act from state sources for fiscal year 2014-2015 is estimated at $12,062,162,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2014-2015 are estimated at $11,905,777,600.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2014-2015 under article II is estimated at $364,724,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $364,724,900.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2014-2015 under article III is estimated at $1,419,469,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $0."

Enacting section 1 of Act 5 of 2015 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid in article I under 2014 PA 196 and this amendatory act from state sources for fiscal year 2014-2015 is estimated at $11,878,797,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2014-2015 are estimated at $11,720,149,600.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on community colleges in article II under 2014 PA 196 and this amendatory act from state sources for fiscal year 2014-2015 is estimated at $364,724,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $364,724,900.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on higher education in article III under 2014 PA 196 and this amendatory act from state sources for fiscal year 2014-2015 is estimated at $1,419,469,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $0."

Enacting section 1 of Act 85 of 2015 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on school aid for fiscal year 2014-2015 under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2014 PA 196, 2015 PA 5, and this amendatory act, is estimated at $11,865,797,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2014-2015 are estimated at $11,714,612,100.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on school aid for fiscal year 2015-2016 under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, is estimated at $12,120,560,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,962,930,600.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2015-2016 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $387,825,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2015-2016 is estimated at $387,825,600.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2015-2016 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1893, as amended by this amendatory act, is estimated at $1,437,698,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2015-2016 is estimated at $0.00."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

Enacting section 1 of Act 249 of 2016 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85, 2015 PA 139, and this amendatory act for fiscal year 2015-2016 is estimated at $11,960,539,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,919,909,800.00. 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 this amendatory act, from state sources for fiscal year 2016-2017 is estimated at $12,343,209,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2016-2017 are estimated at $12,181,929,700.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2016-2017 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830a, as amended by this amendatory act, is estimated at $395,925,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2016-2017 is estimated at $395,925,600.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2016-2017 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1893, as amended by this amendatory act, is estimated at $1,481,114,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2016-2017 is estimated at $0."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 108 of 2017 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2016 PA 249 and this amendatory act, for fiscal year 2016-2017 is estimated at $12,320,744,400.00, and state appropriations for school aid to be paid to local units of government for fiscal year 2016-2017 are estimated at $12,158,829,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources 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 this amendatory act, for fiscal year 2017-2018 is estimated at $12,853,230,400.00, and state appropriations for school aid to be paid to local units of government for fiscal year 2017-2018 are estimated at $12,677,072,800.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2017-2018 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $399,326,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2017-2018 is estimated at $399,326,500.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2017-2018 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,517,698,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2017-2018 is estimated at $0.00."

Enacting section 1 of Act 143 of 2017 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2017 PA 108 and this amendatory act for fiscal year 2017-2018 is estimated at $12,857,370,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2017-2018 are estimated at $12,679,972,800.00."

Enacting section 1 of Act 265 of 2018 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2017 PA 143 and this amendatory act for fiscal year 2017-2018 is estimated at $12,855,727,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2017-2018 are estimated at $12,668,569,700.00. 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 this amendatory act from state sources for fiscal year 2018-2019 is estimated at $13,040,725,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2018-2019 are estimated at $12,847,081,000.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2018-2019 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $408,215,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2018-2019 is estimated at $408,215,500.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2018-2019 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,546,206,200.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2018-2019 is estimated at $0.00."

Enacting section 1 of Act 586 of 2018 provides:

"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 2018 PA 265 and this amendatory act, from state sources for fiscal year 2018-2019 is estimated at $13,098,645,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2018-2019 are estimated at $12,900,901,000.00."

Enacting section 1 of Act 58 of 2019 provides:

"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 2018 PA 265, 2018 PA 586, and this amendatory act, from state sources for fiscal year 2018-2019 is estimated at $13,065,260,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2018-2019 are estimated at $12,833,016,000.00. 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 this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,485,765,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $13,244,215,300.00."

Enacting section 1 of Act 162 of 2019 provides:

"Enacting section 1. (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 2019 PA 58 and this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,427,685,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $13,221,615,300.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2019-2020 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,557,368,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $0.00."

Enacting section 1 of Act 146 of 2020 provides:

"Enacting section 1. (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 2019 PA 58, 2019 PA 162, and this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,051,648,700.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $12,845,578,900.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2019-2020 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $378,445,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $378,445,600.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher

© Courtesy of www.legislature.mi.gov

education for fiscal year 2019-2020 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,393,642,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $0.00."

Enacting section 1 of Act 165 of 2020 provides:

"Enacting section 1. (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 2019 PA 58, 2019 PA 162, 2020 PA 146, and this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,051,648,700.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $12,845,578,900.00. 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, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,718,286,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,546,289,200.00.

"(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2020-2021 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $425,667,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2020-2021 is estimated at $425,667,600.00.

"(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2020-2021 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,573,899,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2020-2021 is estimated at $0.00."

Enacting section 1 of Act 3 of 2021 provides:

"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 $13,888,484,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,716,487,100.00."

Enacting section 1 of Act 47 of 2021 provides:

"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 165, 2021 PA 3, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,888,484,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,716,487,100.00."

Enacting section 1 of Act 48 of 2021 provides:

"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 165, 2021 PA 3, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,850,072,600.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,680,775,500.00. 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 this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,954,632,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $14,744,857,700.00."

****** 388.1611a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1611a.amended ******

388.1611a School aid stabilization fund; creation; deposit; expenditure; investment; money remaining at close of fiscal year; shortfall; full funding.

Sec. 11a. (1) The school aid stabilization fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the school aid stabilization fund. The state treasurer shall deposit into the school aid stabilization fund all of the following:

(a) Unexpended and unencumbered state school aid fund revenue for a fiscal year that remains in the state school aid fund as of the bookclosing for that fiscal year.

(b) Money statutorily dedicated to the school aid stabilization fund.

(c) Money appropriated to the school aid stabilization fund.

(3) Money available in the school aid stabilization fund may not be expended without a specific appropriation from the school aid stabilization fund. Money in the school aid stabilization fund must be expended only for purposes for which state school aid fund money may be expended.

(4) The state treasurer shall direct the investment of the school aid stabilization fund. The state treasurer shall credit to the school aid stabilization fund interest and earnings from fund investments.

(5) Money in the school aid stabilization fund at the close of a fiscal year remains in the school aid stabilization fund and does not lapse to the unreserved school aid fund balance or the general fund.

(6) If the maximum amount appropriated under section 11 from the state school aid fund for a fiscal year exceeds the amount available for expenditure from the state school aid fund for that fiscal year, there is appropriated from the school aid stabilization fund to the state school aid fund an amount equal to the projected shortfall as determined by the department of treasury, but not to exceed available money in the school aid stabilization fund. If the money in the school aid stabilization fund is insufficient to fully fund an amount equal to the projected shortfall, the state budget director shall notify the legislature as required under

© Courtesy of www.legislature.mi.gov

section 296(2) and state payments in an amount equal to the remainder of the projected shortfall must be prorated in the manner provided under section 296(3).

(7) For 2020-2021, in addition to the appropriations in section 11, there is appropriated from the school aid stabilization fund to the state school aid fund the amount necessary to fully fund the allocations under this article.

History: Add. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1611a, which pertained to additional appropriations, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1611a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1611a.amended School aid stabilization fund; creation; deposit; expenditure; investment; money remaining at close of fiscal year; shortfall; full funding.

Sec. 11a. (1) The school aid stabilization fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the school aid stabilization fund. The state treasurer shall deposit into the school aid stabilization fund all of the following:

(a) Unexpended and unencumbered state school aid fund revenue for a fiscal year that remains in the state school aid fund as of the bookclosing for that fiscal year.

(b) Money statutorily dedicated to the school aid stabilization fund.

(c) Money appropriated to the school aid stabilization fund.

(3) Money available in the school aid stabilization fund may not be expended without a specific appropriation from the school aid stabilization fund. Money in the school aid stabilization fund must be expended only for purposes for which state school aid fund money may be expended.

(4) The state treasurer shall direct the investment of the school aid stabilization fund. The state treasurer shall credit to the school aid stabilization fund interest and earnings from fund investments.

(5) Money in the school aid stabilization fund at the close of a fiscal year remains in the school aid stabilization fund and does not lapse to the unreserved school aid fund balance or the general fund.

(6) If the maximum amount appropriated under section 11 from the state school aid fund for a fiscal year exceeds the amount available for expenditure from the state school aid fund for that fiscal year, there is appropriated from the school aid stabilization fund to the state school aid fund an amount equal to the projected shortfall as determined by the department of treasury, but not to exceed available money in the

© Courtesy of www.legislature.mi.gov

school aid stabilization fund. If the money in the school aid stabilization fund is insufficient to fully fund an amount equal to the projected shortfall, the state budget director shall notify the legislature as required under section 296(2) and state payments in an amount equal to the remainder of the projected shortfall must be prorated in the manner provided under section 296(3).

(7) For 2021-2022, in addition to the appropriations in section 11, there is appropriated from the school aid stabilization fund to the state school aid fund the amount necessary to fully fund the allocations under this article.

History: Add. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1611a, which pertained to additional appropriations, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1611b Repealed. 2005, Act 155, Eff. Oct. 1, 2005.

Compiler's note: The repealed section pertained to school aid stabilization fund.

388.1611c Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's note: The repealed section pertained to deposit to school aid stabilization fund.

****** 388.1611d THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1611d Reduction in state funding for 2019-2020; payments to districts for 2020-2021.

Sec. 11d. (1) For 2019-2020, the department shall deduct an amount equal to $175.00 per membership pupil from each district's total state school aid. A district may choose to apply this reduction to funding the district receives under any provision of this act, other than sections 11j, 22a, 26a, 26b, 26c, 31d, 31f, 51a(2), 51a(11), 51c, 53a, 147c, 147e(2)(a), and 152a, even if the reduction chosen by the district results in a program being reduced or discontinued.

(2) If the department, after applying the deduction calculated in subsection (1), determines that this state has overpaid the amount of total state school aid to a district, the department shall establish as a receivable the amount of overpayment and shall recoup the amount from the district in subsequent monthly apportionments of total state school aid. The full amount of overpayment must be recouped within 1 fiscal year.

(3) If a district has pledged remaining total state school aid for 2019-2020 for the fulfillment of

© Courtesy of www.legislature.mi.gov

requirements related to the repayment of state aid anticipation notes or the equivalent loan instrument not offered by this state, and if the district presents evidence satisfactory to the department that the deduction calculated in subsection (1) would cause hardship for the district in fulfilling its pledged loan repayment requirements, the department shall establish as a receivable in the current fiscal year the amount of the deduction calculated in subsection (1) and shall recoup the amount from the district in subsequent monthly apportionments of total state school aid. The full amount of the deduction calculated in subsection (1) must be recouped within 1 fiscal year.

(4) From the state school aid fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $95,000,000.00 to provide payments to districts as provided under this subsection. The amount of a payment under this subsection to each district must be equal to the district's 50/50 blended membership multiplied by the quotient of $95,000,000.00 divided by the statewide sum of each district's 50/50 blended membership. As used in this subsection, "50/50 blended membership" means the sum of the product of .5 times the district's 2019-2020 membership as calculated under section 6(4) in 2019-2020 and the product of .5 times [the sum of (the product of .90 times the number of full-time equated pupils engaged in pandemic learning for fall 2020 or, for a district that is a public school academy that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district on pupil membership count day for the current school year) and (the product of .10 times the final audited count from the supplemental count day of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district for the immediately preceding school year)].

(5) As used in this section, "total state school aid" means the total combined amount of all state funds allocated to a district under this act, except for funds allocated to a district under sections 11j, 22a, 26a, 26b, 26c, 31d, 31f, 51a(2), 51a(11), 51c, 53a, 147c, 147e(2)(a), and 152a.

History: Add. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1611d, which pertained to certain deductions from total state school aid and development of service consolidation plan to reduce school operating costs, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

388.1611e Repealed. 1999, Act 119, Imd. Eff. July 20, 1999.

Compiler's note: The repealed section pertained to payments to plaintiff districts pursuant to Durant v State of Michigan.

388.1611f Payments to non-plaintiff districts pursuant to Durant v State of Michigan; payments for fiscal year ending September 30, 2008; submission of waiver resolution; creation of obligation or liability; offer of settlement and compromise; payment date; use of payments; form and substance of resolution; early intervening program.

Sec. 11f. (1) From the appropriations under section 11, there is allocated for the purposes of this section an amount not to exceed $32,000,000.00 for the fiscal year ending September 30, 2008. Payments under this section will cease after September 30, 2008. These allocations are for paying the amounts described in subsection (4) to districts and intermediate districts, other than those receiving a lump sum payment under subsection (2), that were not plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492 and that, on or before March 2, 1998, submitted to the state treasurer a board resolution waiving any right or interest the district or intermediate district has or may have in any claim or litigation based on or arising out of any claim or potential claim through September 30, 1997 that is or was similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan. The waiver resolution shall be in form and substance as required under subsection (7). The state treasurer is authorized to accept such a waiver resolution on behalf of this state. The amounts described in this subsection represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this subsection.

(2) In addition to any other money appropriated under this act, there was appropriated from the state school aid fund an amount not to exceed $1,700,000.00 for the fiscal year ending September 30, 1999. This appropriation was for paying the amounts described in this subsection to districts and intermediate districts that were not plaintiffs in the consolidated cases known as Durant v State of Michigan; that, on or before March 2, 1998, submitted to the state treasurer a board resolution waiving any right or interest the district or intermediate district had or may have had in any claim or litigation based on or arising out of any claim or potential claim through September 30, 1997 that is or was similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan; and for which the total amount listed in section 11h and paid under this section was less than $75,000.00. For a district or intermediate district qualifying for a payment under this subsection, the entire amount listed for the district or intermediate district in section 11h was paid in a lump sum on November 15, 1998 or on the next business day following that date. The amounts

© Courtesy of www.legislature.mi.gov

paid under this subsection represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this subsection.

(3) This section does not create any obligation or liability of this state to any district or intermediate district that does not submit a waiver resolution described in this section. This section, any other provision of this act, and section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, are not intended to admit liability or waive any defense that is or would be available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

(4) The amount paid each fiscal year to each district or intermediate district under subsection (1) shall be 1/20 of the total amount listed in section 11h for each listed district or intermediate district that qualifies for a payment under subsection (1). The amounts listed in section 11h and paid in part under this subsection and in a lump sum under subsection (2) are offers of settlement and compromise to each of these districts or intermediate districts to resolve, in their entirety, any claim or claims that these districts or intermediate districts may have asserted for violations of section 29 of article IX of the state constitution of 1963 through September 30, 1997, which claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan. This section, any other provision of this act, and section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, shall not be construed to constitute an admission of liability to the districts or intermediate districts listed in section 11h or a waiver of any defense that is or would have been available to the state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

(5) The entire amount of each payment under subsection (1) each fiscal year shall be paid on November 15 of the applicable fiscal year or on the next business day following that date.

(6) Funds paid to a district or intermediate district under this section shall be used only for textbooks, electronic instructional material, software, technology, infrastructure or infrastructure improvements, school buses, school security, training for technology, an early intervening program described in subsection (8), or to pay debt service on voter-approved bonds issued by the district or intermediate district before the effective date of this section. For intermediate districts only, funds paid under this section may also be used for other nonrecurring instructional expenditures including, but not limited to, nonrecurring instructional expenditures for vocational education, or for debt service for acquisition of technology for academic support services. Funds received by an intermediate district under this section may be used for projects conducted for the benefit of its constituent districts at the discretion of the intermediate board. To the extent payments under this section are used by a district or intermediate district to pay debt service on debt payable from millage revenues, and to the extent permitted by law, the district or intermediate district may make a corresponding reduction in the number of mills levied for that debt service.

(7) The resolution to be adopted and submitted by a district or intermediate district under this section and section 11g shall read as follows:

"Whereas, the board of _____ (name of district or intermediate district) desires to settle and compromise, in their entirety, any claim or claims that the district (or intermediate district) has or had for violations of section 29 of article IX of the state constitution of 1963, which claim or claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492.

Whereas, the district (or intermediate district) agrees to settle and compromise these claims for the consideration described in sections 11f and 11g of the state school aid act of 1979, 1979 PA 94, MCL 388.1611f and 388.1611g, and in the amount specified for the district (or intermediate district) in section 11h of the state school aid act of 1979, 1979 PA 94, MCL 388.1611h.

Whereas, the board of _____ (name of district or intermediate district) is authorized to adopt this resolution.

Now, therefore, be it resolved as follows:

1. The board of _____ (name of district or intermediate district) waives any right or interest it may have in any claim or potential claim through September 30, 1997 relating to the amount of funding the district or intermediate district is, or may have been, entitled to receive under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, or any other source of state funding, by reason of the application of section 29 of article IX of the state constitution of 1963, which claims or potential claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492.

2. The board of _____ (name of district or intermediate district) directs its secretary to submit a certified copy of this resolution to the state treasurer no later than 5 p.m. eastern standard time on March 2, 1998, and agrees that it will not take any action to amend or rescind this resolution.

3. The board of _____ (name of district or intermediate district) expressly agrees and

© Courtesy of www.legislature.mi.gov

understands that, if it takes any action to amend or rescind this resolution, the state, its agencies, employees, and agents shall have available to them any privilege, immunity, and/or defense that would otherwise have been available had the claims or potential claims been actually litigated in any forum.

4. This resolution is contingent on continued payments by the state each fiscal year as determined under sections 11f and 11g of the state school aid act of 1979, 1979 PA 94, MCL 388.1611f and 388.1611g. However, this resolution shall be an irrevocable waiver of any claim to amounts actually received by the school district or intermediate school district under sections 11f and 11g of the state school aid act of 1979.".

(8) An early intervening program that uses funds received under this section shall meet either or both of the following:

(a) Shall monitor individual pupil learning for pupils in grades K to 3 and provide specific support or learning strategies to pupils in grades K to 3 as early as possible in order to reduce the need for special education placement. The program shall include literacy and numeracy supports, sensory motor skill development, behavior supports, instructional consultation for teachers, and the development of a parent/school learning plan. Specific support or learning strategies may include support in or out of the general classroom in areas including reading, writing, math, visual memory, motor skill development, behavior, or language development. These would be provided based on an understanding of the individual child's learning needs.

(b) Shall provide early intervening strategies for pupils in grades K to 3 using school-wide systems of academic and behavioral supports and shall be scientifically research-based. The strategies to be provided shall include at least pupil performance indicators based upon response to intervention, instructional consultation for teachers, and ongoing progress monitoring. A school-wide system of academic and behavioral support should be based on a support team available to the classroom teachers. The members of this team could include the principal, special education staff, reading teachers, and other appropriate personnel who would be available to systematically study the needs of the individual child and work with the teacher to match instruction to the needs of the individual child.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 119, Imd. Eff. Apr. 14, 2006;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1611g Allocation; payments for fiscal year ending September 30, 2015; waiver resolution; offers of settlement and compromise; creation of obligation or liability; payment date; use of funds; reduction in number of mills levied for debt service; pledge or assignment of payments; dissolution of district.

Sec. 11g. (1) From the appropriation in section 11, there is allocated for this section an amount not to exceed $39,500,000.00 for the fiscal year ending September 30, 2015, after which these payments will cease.

© Courtesy of www.legislature.mi.gov

These allocations are for paying the amounts described in subsection (3) to districts and intermediate districts, other than those receiving a lump-sum payment under section 11f(2), that were not plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492 and that, on or before March 2, 1998, submitted to the state treasurer a waiver resolution described in section 11f. The amounts paid under this section represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this section.

(2) This section does not create any obligation or liability of this state to any district or intermediate district that does not submit a waiver resolution described in section 11f. This section and any other provision of this article are not intended to admit liability or waive any defense that is or would be available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district regarding these claims or potential claims.

(3) The amount paid each fiscal year to each district or intermediate district under this section shall be 1 of the following:

(a) If the district or intermediate district does not borrow money and issue bonds under section 11i, 1/30 of the total amount listed in section 11h for the district or intermediate district through the fiscal year ending September 30, 2015.

(b) If the district or intermediate district borrows money and issues bonds under section 11i, an amount in each fiscal year calculated by the department of treasury that is equal to the debt service amount in that fiscal year on the bonds issued by that district or intermediate district under section 11i and that will result in the total payments made to all districts and intermediate districts in each fiscal year under this section being no more than the amount appropriated under this section in each fiscal year.

(4) The entire amount of each payment under this section each fiscal year shall be paid on May 15 of the applicable fiscal year or on the next business day following that date. If a district or intermediate district borrows money and issues bonds under section 11i, the district or intermediate district shall use funds received under this section to pay debt service on bonds issued under section 11i. If a district or intermediate district does not borrow money and issue bonds under section 11i, the district or intermediate district shall use funds received under this section only for the following purposes, in the following order of priority:

(a) First, to pay debt service on voter-approved bonds issued by the district or intermediate district before the effective date of this section.

(b) Second, to pay debt service on other limited tax obligations.

(c) Third, for deposit into a sinking fund established by the district or intermediate district under the revised school code.

(5) To the extent payments under this section are used by a district or intermediate district to pay debt service on debt payable from millage revenues, and to the extent permitted by law, the district or intermediate district may make a corresponding reduction in the number of mills levied for debt service.

(6) A district or intermediate district may pledge or assign payments under this section as security for bonds issued under section 11i, but shall not otherwise pledge or assign payments under this section.

(7) If a district eligible for payments under this section is dissolved under section 12 of the revised school code, MCL 380.12, the payment otherwise due to the dissolved district under this section shall be paid instead to the intermediate district of the dissolved district. The intermediate district of the dissolved district shall perform any functions and responsibilities of the board and other officers of the dissolved district necessary under this section on behalf of the dissolved district. As used in this subsection, "dissolved district" and "receiving district" mean those terms as defined in section 20.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 97, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 97 of 2013 provides:

"Enacting section 1. In accordance with section 30 of article I 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 enrolled House Bill No. 4228 of the 97th Legislature and this amendatory act, from state sources for fiscal year 2013-2014 is estimated at $11,602,282,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,442,024,700.00."

388.1611h Amounts to districts for settlement, compromise, and resolution of claims pursuant to Durant v State of Michigan; section not to be construed as admission of liability or waiver of defense.

Sec. 11h. (1) For the purposes of sections 11f and 11g, the following amounts are offered to each district or intermediate district to settle, compromise, and resolve, in their entirety, any claim or claims that those districts or intermediate districts may have asserted for violations of section 29 of article IX of the state constitution of 1963 through September 30, 1997, which claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492:

CODENAME			AMOUNT
02010	Autrain-Onota Public Schools	$	14,622
02020	Burt Township School District	$	6,744
02070	Munising Public Schools	$	185,461
02080	Superior Central School District	$	96,734
03000	Allegan Intermediate District	$	648,801
03010	Plainwell Community Schools	$	741,425
03020	Otsego Public Schools	$	540,058
03030	Allegan Public Schools	$	926,426
03040	Wayland Union Schools	$	731,677
03050	Fennville Public Schools	$	579,056
03060	Martin Public Schools	$	139,670
03070	Hopkins Public Schools	$	255,685
03100	Hamilton Community Schools	$	401,023
03440	Ganges School District #4	$	2,201
04000	Alpena-Montmorency-Alcona Intermediate	$	726,402
04010	Alpena Public Schools	$	1,042,911
05010	Alba Public Schools	$	42,367
05035	Central Lake Public Schools	$	69,082
05040	Bellaire Public Schools	$	167,614
05060	Elk Rapids Schools	$	357,615
05065	Ellsworth Community Schools	$	21,150

© Courtesy of www.legislature.mi.gov

05070	Mancelona Public Schools	$	285,764
06010	Arenac Eastern School District	$	79,078
06050	Standish Sterling School District	$	317,341
07020	Baraga Township School District	$	216,490
07040	L'Anse Area Schools	$	263,107
08000	Barry Intermediate District	$	390,738
08010	Delton-Kellogg School District	$	254,518
08030	Hastings Area School District	$	615,970
08050	Thornapple-Kellogg School District	$	794,355
09000	Bay Arenac Intermediate District	$	3,690,121
09010	Bay City School District	$	2,957,596
09030	Bangor Township Schools	$	690,490
09090	Pinconning Area Schools	$	437,504
10015	Benzie County Central Schools	$	469,507
10025	Frankfort-Elberta Area Schools	$	74,090
11000	Berrien Intermediate District	$	4,488,648
11010	Benton Harbor Area Schools	$	1,588,343
11030	Lakeshore School District	$	505,985
11160	Galien Township School District	$	148,305
11200	New Buffalo Area School District	$	295,255
11210	Brandywine Public School District	$	430,713
11240	Berrien Springs Public School District	$	1,020,853
11250	Eau Claire Public Schools	$	295,326
11300	Niles Community School District	$	1,886,362
11310	Buchanan Community School District	$	415,327
11320	Watervliet School District	$	333,411
11330	Coloma Community Schools	$	518,321
11670	Hagar Township School District #6	$	3,558
12000	Branch Intermediate District	$	1,591,244
12010	Coldwater Community Schools	$	533,753
12020	Bronson Community School District	$	100,766
12040	Quincy Community School District	$	118,640
13000	Calhoun Intermediate District	$	2,099,031
13010	Albion Public Schools	$	682,812
13020	Battle Creek Public Schools	$	4,924,981
13050	Athens Area Schools	$	239,614
13070	Harper Creek Community Schools	$	737,397
13080	Homer Community Schools	$	243,747
13090	Lakeview School District	$	672,056
13095	Mar Lee School District	$	22,341
13110	Marshall Public Schools	$	499,126
13120	Pennfield School District	$	295,615
13130	Tekonsha Community Schools	$	84,152
13135	Union City Community School District	$	261,232
14000	Lewis Cass Intermediate District	$	1,156,252
14010	Cassopolis Public Schools	$	359,167
14020	Dowagiac Union Schools	$	886,692
14030	Edwardsburg Public Schools	$	278,671
14050	Marcellus Community Schools	$	133,119
15000	Charlevoix Emmet Intermediate District	$	2,656,494
15010	Beaver Island Community Schools	$	5,291
15020	Boyne City Public School District	$	340,838
15030	Boyne Falls Public School District	$	46,285
15060	East Jordan Public School District	$	124,290
16000	Cheboygan Otsego Presque Isle ISD	$	484,651
16015	Cheboygan Area Schools	$	600,684
16050	Inland Lakes School District	$	121,570
16070	Mackinaw City Public Schools	$	10,133

© Courtesy of www.legislature.mi.gov

16100	Wolverine Community School District	$	36,114
17000	Eastern Upper Peninsula ISD	$	686,688
17010	Sault Ste Marie Area Schools	$	1,375,408
17050	Detour Area Schools	$	91,341
17090	Pickford Public Schools	$	50,020
17110	Rudyard Area Schools	$	167,700
17140	Brimley Area Schools	$	339,116
17160	Whitefish Schools	$	7,565
18000	Clare Gladwin Intermediate District	$	824,976
18010	Clare Public Schools	$	283,169
18020	Farwell Area Schools	$	435,856
18060	Harrison Community Schools	$	548,716
19000	Clinton Intermediate District	$	1,408,672
19010	Dewitt Public Schools	$	460,423
19070	Fowler Public Schools	$	73,794
19100	Bath Community Schools	$	207,492
19120	Ovid Elsie Area Schools	$	421,074
19125	Pewamo Westphalia Community Schools	$	123,323
19140	St. Johns Public Schools	$	916,394
20015	Crawford Ausable Schools	$	400,397
21000	Delta Schoolcraft Intermediate District	$	751,556
21010	Escanaba Area Public Schools	$	970,743
21025	Gladstone Area Schools	$	394,007
21060	Rapid River Public Schools	$	95,894
21065	Big Bay De Noc School District	$	76,026
21090	Bark River Harris School District	$	157,932
21135	Mid Peninsula School District	$	70,668
22000	Dickinson-Iron Intermediate District	$	886,487
22010	Iron Mountain City School District	$	235,977
22025	Norway Vulcan Area Schools	$	106,885
22030	Breitung Township School District	$	373,341
22045	North Dickinson County School District	$	108,610
23000	Eaton Intermediate District	$	1,122,375
23010	Bellevue Community School District	$	259,295
23030	Charlotte Public Schools	$	931,778
23050	Eaton Rapids Public Schools	$	933,405
23060	Grand Ledge Public Schools	$	1,871,628
23065	Maple Valley School District	$	406,606
23080	Olivet Community Schools	$	273,708
23090	Potterville Public Schools	$	223,936
24020	Harbor Springs School District	$	129,569
24030	Littlefield Public School District	$	79,810
24040	Pellston Public School District	$	87,279
24070	Petoskey Public Schools	$	324,563
25000	Genesee Intermediate District	$	6,300,676
25010	Flint City School District	$	18,747,097
25040	Mt. Morris Consolidated Schools	$	1,121,625
25060	Bendle Public Schools	$	404,192
25070	Genesee School District	$	231,806
25100	Fenton Area Public Schools	$	1,111,528
25110	Kearsley Community Schools	$	947,009
25120	Flushing Community Schools	$	973,174
25130	Atherton Community School District	$	299,766
25140	Davison Community Schools	$	1,194,861
25150	Clio Area School District	$	861,180
25180	Swartz Creek Community Schools	$	1,281,780
25200	Lake Fenton Schools	$	459,138
25210	Westwood Heights School District	$	433,487

© Courtesy of www.legislature.mi.gov

25230	Bentley Community School District	$	416,919
25240	Beecher Community School District	$	1,684,881
25250	Linden Community School District	$	693,553
25260	Montrose Community Schools	$	803,839
25280	Lakeville Community School District	$	821,048
26010	Beaverton Rural Schools	$	401,648
26040	Gladwin Community Schools	$	427,002
27000	Gogebic Ontonagon Intermediate District	$	558,679
27010	Bessemer City School District	$	93,392
27020	Ironwood Area Schools	$	358,358
27060	Marenisco School District	$	13,053
27070	Wakefield Township School District	$	76,782
27080	Watersmeet Township School District	$	49,036
28000	Traverse Bay Intermediate District	$	4,179,332
28010	Traverse City School District	$	2,902,639
28035	Buckley Community School District	$	85,755
28090	Kingsley Area School	$	233,898
29000	Gratiot-Isabella RESD	$	470,134
29010	Alma Public Schools	$	694,386
29020	Ashley Community Schools	$	74,662
29040	Breckenridge Community Schools	$	304,118
29050	Fulton Schools	$	149,274
29060	Ithaca Public Schools	$	471,693
29100	St. Louis Public Schools	$	421,142
30000	Hillsdale Intermediate District	$	1,766,059
30010	Camden Frontier Schools	$	87,548
30020	Hillsdale Community Public Schools	$	391,242
30030	Jonesville Community Schools	$	109,455
30040	Litchfield Community Schools	$	167,255
30050	North Adams-Jerome Public Schools	$	61,387
30060	Pittsford Area Schools	$	202,030
30070	Reading Community Schools	$	128,460
30080	Waldron Area Schools	$	98,856
31000	Copper Country Intermediate District	$	874,467
31010	Hancock Public Schools	$	177,175
31020	Adams Township School District	$	20,756
31030	Calumet Public Schools	$	314,749
31050	Chassell Township School District	$	627
31100	Osceola Township School District	$	3,877
31110	Houghton-Portage Township Schools	$	176,454
31130	Lake Linden Hubbell School District	$	98,547
32000	Huron Intermediate District	$	1,188,316
32010	Bad Axe Public Schools	$	163,568
32030	Caseville Public Schools	$	29,891
32060	Harbor Beach Community Schools	$	129,415
32090	Owendale Gagetown Area School District	$	49,577
32130	Port Hope Community Schools	$	373
32170	Ubly Community Schools	$	103,432
33000	Ingham Intermediate District	$	9,528,160
33020	Lansing Public School District	$	13,878,055
33040	Dansville Agricultural School	$	231,154
33060	Haslett Public Schools	$	533,512
33070	Holt Public Schools	$	1,436,837
33100	Leslie Public Schools	$	487,249
33130	Mason Public Schools	$	1,242,161
33200	Stockbridge Community Schools	$	538,077
33220	Webberville Community Schools	$	160,090
33230	Williamston Community Schools	$	286,724

© Courtesy of www.legislature.mi.gov

34000	Ionia Intermediate District	$	889,225
34010	Ionia Public Schools	$	1,442,559
34040	Palo Community School District	$	22,056
34080	Belding Area School District	$	590,288
34090	Lakewood Public Schools	$	621,134
34110	Portland Public School District	$	512,174
34120	Saranac Community Schools	$	222,518
35000	Iosco Intermediate District	$	746,867
35010	Oscoda Area Schools	$	586,953
35020	Hale Area Schools	$	117,632
35040	Whittemore Prescott Area School District	$	327,352
36015	Forest Park School District	$	104,179
36025	West Iron County School District	$	291,224
37010	Mt. Pleasant City School District	$	1,661,159
37040	Beal City School	$	94,455
37060	Shepherd Public School District	$	537,492
38000	Jackson Intermediate District	$	5,867,626
38010	Western School District	$	368,913
38020	Vandercook Lake Public Schools	$	182,732
38040	Columbia School District	$	272,872
38050	Grass Lake Community Schools	$	112,948
38080	Concord Community Schools	$	136,334
38090	East Jackson Public Schools	$	262,531
38100	Hanover Horton Schools	$	210,862
38120	Michigan Center School District	$	254,956
38130	Napoleon Community Schools	$	162,981
38140	Northwest School District	$	557,439
38150	Springport Public Schools	$	112,368
38170	Jackson Public Schools	$	4,007,741
39000	Kalamazoo Valley Intermediate District	$	2,294,305
39010	Kalamazoo City School District	$	4,620,814
39020	Climax Scotts Community Schools	$	141,525
39050	Galesburg Augusta Community Schools	$	491,658
39065	Gull Lake Community Schools	$	664,438
39130	Parchment School District	$	413,278
39160	Schoolcraft Community Schools	$	278,974
39170	Vicksburg Community Schools	$	606,035
40020	Forest Area Community School District	$	249,638
40040	Kalkaska Public Schools	$	536,507
41000	Kent Intermediate District	$	1,018,499
41010	Grand Rapids City School District	$	30,052,399
41020	Godwin Heights Public Schools	$	776,787
41025	Northview Public School District	$	1,463,294
41026	Wyoming Public Schools	$	3,510,038
41070	Cedar Springs Public Schools	$	1,194,520
41080	Comstock Park Public Schools	$	735,314
41120	Godfrey Lee Public School District	$	625,281
41130	Grandville Public Schools	$	2,285,726
41140	Kelloggsville Public Schools	$	457,811
41150	Kent City Community Schools	$	634,852
41170	Lowell Area School District	$	1,191,193
41210	Rockford Public Schools	$	1,800,045
41240	Sparta Area Schools	$	1,572,479
43040	Baldwin Community Schools	$	301,981
44000	Lapeer Intermediate District	$	1,257,237
44010	Lapeer Community Schools	$	1,606,732
44020	Almont Community Schools	$	195,065
44050	Dryden Community Schools	$	123,137

© Courtesy of www.legislature.mi.gov

44060	Imlay City Community Schools	$	650,688
44090	North Branch Area Schools	$	361,607
45010	Glen Lake Community School District	$	147,578
45020	Leland Public School District	$	74,798
45040	Northport Public School District	$	103,011
46000	Lenawee Intermediate District	$	3,474,431
46010	Adrian City School District	$	1,749,075
46020	Addison Community Schools	$	228,919
46040	Blissfield Community Schools	$	216,378
46050	Britton Macon Area School District	$	48,992
46060	Clinton Community Schools	$	156,385
46070	Deerfield Public Schools	$	63,324
46080	Hudson Area Schools	$	206,641
46090	Madison School District	$	254,199
46100	Morenci Area Schools	$	175,792
46110	Onsted Community Schools	$	204,754
46130	Sand Creek Community Schools	$	180,402
46140	Tecumseh Public Schools	$	564,716
47000	Livingston Intermediate District	$	3,740,653
47010	Brighton Area Schools	$	1,608,320
47030	Fowlerville Community Schools	$	458,044
47060	Hartland Consolidated Schools	$	638,713
47070	Howell Public Schools	$	1,500,542
47080	Pinckney Community Schools	$	585,950
48040	Tahquamenon Area Schools	$	267,875
49010	St. Ignace City School District	$	199,400
49040	Les Cheneaux Community School District	$	79,470
49055	Engadine Consolidated Schools	$	48,728
49070	Moran Township School District	$	1,018
49110	Mackinac Island Public Schools	$	19,763
50000	Macomb Intermediate School	$	20,272,402
50030	Roseville Community Schools	$	2,720,948
50040	Anchor Bay School District	$	1,402,309
50050	Armada Area Schools	$	511,195
50070	Clintondale Community Schools	$	1,493,807
50080	Chippewa Valley Schools	$	2,743,571
50130	Lakeview Public Schools	$	1,303,122
50170	New Haven Community Schools	$	443,394
50180	Richmond Community Schools	$	714,909
50190	Romeo Community Schools	$	1,416,793
51000	Manistee Intermediate District	$	805,187
51020	Bear Lake School District	$	68,270
51045	Kaleva Norman - Dickson Schools	$	143,635
51060	Onekama Consolidated Schools	$	10,726
51070	Manistee Area Public Schools	$	309,900
52000	Marquette Alger Intermediate District	$	931,342
52015	N.I.C.E. Community Schools	$	487,900
52040	Gwinn Area Community Schools	$	686,265
52090	Negaunee Public Schools	$	360,838
52100	Powell Township School District	$	26,655
52110	Republic Michigamme Schools	$	111,822
52160	Wells Township School District	$	4,936
52170	Marquette City School District	$	1,176,918
52180	Ishpeming Public School District	$	369,755
53000	Mason Lake Intermediate District	$	1,418,466
53010	Mason County Central School District	$	270,895
53020	Mason County Eastern School District	$	100,000
53030	Freesoil Community School District	$	28,616

© Courtesy of www.legislature.mi.gov

53040	Ludington Area School District	$	553,370
54000	Mecosta Osceola Intermediate District	$	1,144,797
54010	Big Rapids Public Schools	$	301,222
54025	Chippewa Hills School District	$	603,473
54040	Morley Stanwood Community Schools	$	298,110
55000	Menominee Intermediate District	$	596,813
55010	Carney Nadeau Public Schools	$	36,825
55100	Menominee Area Public Schools	$	410,849
55115	North Central Area Schools	$	79,050
55120	Stephenson Area Public Schools	$	146,858
56000	Midland Intermediate District	$	778,082
56020	Bullock Creek School District	$	815,270
56030	Coleman Community School District	$	405,291
56050	Meridian Public Schools	$	847,821
57010	Falmouth Elementary School District	$	11,423
57020	Lake City Area School District	$	144,279
57030	McBain Agricultural School District	$	148,767
58000	Monroe Intermediate District	$	5,938,669
58020	Airport Community School District	$	968,294
58030	Bedford Public School District	$	814,625
58050	Dundee Community Schools	$	290,343
58070	Ida Public School District	$	904,674
58080	Jefferson Schools-Monroe County	$	1,122,705
58090	Mason Consolidated School District	$	404,108
58100	Summerfield School District	$	196,514
58110	Whiteford Agricultural School District	$	171,481
59000	Montcalm Area Intermediate District	$	2,405,905
59020	Carson City Crystal Area School District	$	248,985
59045	Montabella Community School District	$	235,193
59070	Greenville Public Schools	$	937,756
59080	Tri County Area Schools	$	309,365
59090	Lakeview Community Schools	$	317,348
59125	Central Montcalm Public Schools	$	488,104
59150	Vestaburg Community Schools	$	142,375
60010	Atlanta Community Schools	$	102,771
60020	Hillman Community Schools	$	89,566
61000	Muskegon Intermediate District	$	1,704,192
61010	Muskegon City School District	$	7,333,232
61020	Muskegon Heights School District	$	1,665,615
61060	Mona Shores School District	$	924,108
61065	Oakridge Public Schools	$	516,766
61080	Fruitport Community Schools	$	1,340,081
61120	Holton Public Schools	$	404,703
61180	Montague Area Public Schools	$	353,974
61190	Orchard View Schools	$	835,211
61210	Ravenna Public Schools	$	289,731
61220	Reeths Puffer Schools	$	1,362,629
61230	North Muskegon Public Schools	$	104,428
61240	Whitehall School District	$	566,527
62000	Newaygo Intermediate District	$	2,002,463
62040	Fremont Public School District	$	413,415
62050	Grant Public School District	$	408,836
62060	Hesperia Community School District	$	258,339
62070	Newaygo Public School District	$	808,680
62080	Pineview School District	$	6,754
62090	White Cloud Public Schools	$	326,623
62470	Big Jackson School District	$	4,683
63080	Bloomfield Hills School District	$	6,277,282

© Courtesy of www.legislature.mi.gov

63090	Clarenceville School District	$	1,050,868
63110	Oxford Area Community School District	$	1,064,497
63130	Hazel Park City School District	$	4,502,785
63180	Brandon School District	$	1,573,574
63190	Clarkston Community School District	$	2,599,329
63210	Holly Area School District	$	1,652,532
63250	Oak Park City School District	$	2,742,617
63300	Waterford School District	$	7,891,782
64000	Oceana Intermediate District	$	459,987
64040	Hart Public School District	$	492,658
64070	Pentwater Public School District	$	50,550
64080	Shelby Public Schools	$	308,687
64090	Walkerville Rural Community Schools	$	178,928
65045	West Branch-Rose City Area Schools	$	597,592
66045	Ewen-Trout Creek Consolidated Schools	$	125,613
66050	Ontonagon Area Schools	$	117,972
66070	White Pine School District	$	38,434
67020	Evart Public Schools	$	222,644
67050	Marion Public Schools	$	120,994
67055	Pine River Area Schools	$	210,897
67060	Reed City Area Public Schools	$	225,449
68010	Mio Au Sable Schools	$	188,436
68030	Fairview Area School District	$	53,298
69020	Gaylord Community Schools	$	361,967
69030	Johannesburg-Lewiston Schools	$	302,444
69040	Vanderbilt Area School	$	78,924
70000	Ottawa Intermediate District	$	3,134,623
70040	Allendale Public School District	$	304,155
70120	Coopersville Public School District	$	547,307
70175	Jenison Public Schools	$	1,174,903
70190	Hudsonville Public School District	$	642,115
70300	Spring Lake Public School District	$	654,764
71050	Onaway Area Community School District	$	62,371
71060	Posen Cons School District	$	89,023
71080	Rogers City Area Schools	$	98,801
72000	C O O R Intermediate District	$	1,535,012
72010	Gerrish Higgins School District	$	315,748
73000	Saginaw Intermediate District	$	3,752,177
73010	Saginaw City School District	$	9,709,110
73030	Carrollton School District	$	757,628
73080	Buena Vista School District	$	774,237
73110	Chesaning Union Schools	$	586,935
73170	Birch Run Area School District	$	442,083
73180	Bridgeport-Saulding Community Schools	$	947,910
73200	Freeland Community School District	$	245,297
73210	Hemlock Public School District	$	463,950
73230	Merrill Community School District	$	313,949
73240	St. Charles Community Schools	$	217,281
73255	Swan Valley School District	$	404,732
74000	St. Clair Intermediate District	$	2,495,753
74010	Port Huron Area School District	$	5,768,925
74030	Algonac Community School District	$	683,103
74040	Capac Community School District	$	637,134
74100	Marysville Public School District	$	541,674
74120	Memphis Community Schools	$	236,433
74130	Yale Public Schools	$	364,744
75000	St. Joseph Intermediate District	$	1,557,997
75010	Sturgis Public School District	$	667,172

© Courtesy of www.legislature.mi.gov

75020	Burr Oak Community School District	$	31,806
75030	Centreville Public Schools	$	239,843
75040	Colon Community School District	$	136,247
75050	Constantine Public School District	$	295,041
75060	Mendon Community School District	$	220,774
75070	White Pigeon Community School District	$	166,233
75080	Three Rivers Community Schools	$	903,838
75100	Nottawa Community School	$	30,147
76000	Sanilac Intermediate District	$	694,073
76060	Brown City Community School District	$	174,912
76070	Carsonville-Port Sanilac School District	$	93,165
76080	Croswell Lexington Community Schools	$	410,871
76090	Deckerville Community School District	$	118,766
76140	Marlette Community Schools	$	284,291
76180	Peck Community School District	$	35,198
76210	Sandusky Community School District	$	308,221
77010	Manistique Area Schools	$	310,466
78000	Shiawassee RESD	$	3,184,986
78020	Byron Area Schools	$	191,551
78030	Durand Area Schools	$	540,453
78040	Laingsburg Community School District	$	114,818
78060	Morrice Area Schools	$	85,394
78070	New Lothrop Area Public School District	$	105,582
78080	Perry Public School District	$	273,749
78100	Corunna Public School District	$	454,571
78110	Owosso Public Schools	$	885,887
79000	Tuscola Intermediate District	$	1,095,027
79010	Akron Fairgrove Schools	$	76,917
79020	Caro Community Schools	$	476,124
79030	Cass City Public Schools	$	250,135
79080	Kingston Community School District	$	27,113
79090	Mayville Community School District	$	267,475
79100	Millington Community Schools	$	258,045
79110	Reese Public Schools	$	164,035
79145	Unionville Sebewaing Area Schools	$	98,025
79150	Vassar Public Schools	$	271,839
80000	Van Buren Intermediate District	$	3,864,085
80010	South Haven Public Schools	$	619,864
80020	Bangor Public Schools	$	246,071
80040	Covert Public Schools	$	179,845
80050	Decatur Public Schools	$	214,070
80090	Bloomingdale Public School District	$	303,179
80110	Gobles Public School District	$	145,320
80120	Hartford Public School District	$	475,713
80130	Lawrence Public School District	$	94,596
80140	Lawton Community School District	$	190,087
80150	Mattawan Consolidated School District	$	312,724
80160	Paw Paw Public School District	$	301,501
81000	Washtenaw Intermediate District	$	2,724,063
81040	Chelsea School District	$	518,995
81050	Dexter Community School District	$	962,834
81070	Lincoln Consolidated School District	$	1,492,337
81080	Manchester Community School District	$	472,632
81100	Milan Area Schools	$	572,621
81120	Saline Area School District	$	1,624,108
81140	Whitmore Lake Public School District	$	496,133
81150	Willow Run Community Schools	$	2,071,518
82000	Wayne Intermediate District	$	8,287,172

© Courtesy of www.legislature.mi.gov

82010	Detroit City School District	$		118,608,866
82040	Dearborn Heights School District #7	$		849,305
82045	Melvindale Allen Park Schools	$		836,448
82050	Garden City School District	$		5,839,085
82060	Hamtramck Public Schools	$		1,734,517
82070	Highland Park City Schools	$		1,875,555
82080	Inkster City School District	$		1,252,453
82090	Lincoln Park Public Schools	$		2,194,776
82110	Redford Union School District	$		5,630,439
82120	River Rouge City Schools	$		885,742
82130	Romulus Community Schools	$		2,366,586
82150	Taylor School District	$		6,396,657
82160	Wayne-Westland Community School District	$		14,003,645
82170	Wyandotte City School District	$		3,732,656
82180	Flat Rock Community Schools	$		549,211
82240	Westwood Community Schools	$		1,762,599
82250	Ecorse Public School District	$		656,734
82340	Huron School District	$		1,302,779
82405	Southgate Community School District	$	1,037,284	
82430	Van Buren Public Schools	$	3,312,445	
83000	Wexford Missaukee Intermediate District	$	1,625,243	
83010	Cadillac Area Public Schools	$	468,432	
83060	Manton Consolidated Schools	$	118,182	
83070	Mesick Consolidated School District	$	88,208	

(2) This section, any other provision of this act, or section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, shall not be construed to constitute an admission of liability to the districts designated in this section in any litigation or future litigation with a district or intermediate district. In addition, this section, any other provision of this act, or section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, shall not be construed to constitute a waiver of any defense that is or would have been available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997.

Compiler's note: In the above table, the entry for "Bridgeport-Saulding Community Schools" should evidently read "Bridgeport-Spaulding Community Schools."

388.1611i Borrowing money and issuing bonds.

Sec. 11i. (1) In addition to any other authority granted under law, an eligible district or intermediate district may borrow from the Michigan municipal bond authority created under the shared credit rating act, 1985 PA 227, MCL 141.1051 to 141.1077, an amount equal to 1/2 of the amount listed for the district or intermediate district in section 11h, in anticipation of the receipt of the payments appropriated under section 11g, and may authorize by resolution of its governing body and issue its bonds to evidence its obligations to the Michigan municipal bond authority on the terms and with those provisions as are provided by resolution of the board of the district or intermediate district and as are acceptable to the Michigan municipal bond authority if the bonds are accompanied by an opinion of bond counsel acceptable to the Michigan municipal bond authority to the effect that the interest on the bonds is excluded from gross income for federal income tax purposes. For the purposes of this section, an eligible district or intermediate district is a district or intermediate district, other than a district or intermediate district that receives a lump sum payment under section 11f(2), that qualifies to receive funds under sections 11f and 11g and that notifies the department of treasury not later than 5 p.m. eastern daylight time on June 30, 1998, in the form and manner prescribed by the department of treasury, that the district or intermediate district will borrow money and issue bonds under this section or is a district, other than a district that receives a lump sum payment under section 11f(2), that qualifies to receive funds under sections 11f and 11g, that has a membership of less than 2,000 full-time equated pupils, that has not submitted to the department of treasury a letter stating its intent not to borrow from the Michigan municipal bond authority, and that notified the department of treasury not later than 5 p.m. eastern daylight time on July 14, 1998, in the form and manner prescribed by the department of treasury, that the district will borrow money and issue bonds under this section. A district or intermediate district may pledge and assign to the Michigan municipal bond authority, as security for the bonds, all of the payments appropriated to it under section 11g but may not otherwise pledge or assign those payments. Bonds issued under this section are not

© Courtesy of www.legislature.mi.gov

subject to the municipal finance act, 1943 PA 202, MCL 131.1 to 139.3.

(2) Proceeds of bonds issued under this section shall be made available to districts and intermediate districts on or after November 15, 1998. Each district and intermediate district shall use proceeds of bonds issued by it under this section only for a purpose for which bonds may be issued under section 1351a of the revised school code, MCL 380.1351a.

(3) Bonds issued under this section do not constitute a general obligation or debt of a district or intermediate district within the meaning of any constitutional or statutory debt limitation.

(4) This section shall be construed as cumulative authority for the exercise of the powers granted in this section and shall not be construed to repeal any existing law. The purpose of this section is to create full and complete additional and alternate methods for the exercise of existing powers, and the powers conferred by this section are not affected or limited by any other statute or by any charter or incorporating document.

(5) A pledge made by a district or intermediate district under this section is valid and binding from the time the pledge is made. The revenue or other money pledged under this section and thereafter received by a district or intermediate district is immediately subject to the lien of the pledge without physical delivery of the revenue or money or any further act. The lien of such a pledge is valid and binding against a party having a claim of any kind in tort, contract, or otherwise against the district or intermediate district, irrespective of whether that party has notice of the pledge. The resolution or any other instrument by which a pledge is created is not required to be filed or recorded in order to establish and perfect a lien or security interest in the property pledged.

(6) Bonds issued under this section are not in any way a debt or liability of this state; do not create or constitute any indebtedness, liability, or obligation of this state; are not and do not constitute a pledge of the faith and credit of this state; and shall contain on their face a statement to that effect.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998.

****** 388.1611j THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1611j.amended ******

388.1611j School loan bond redemption fund; allocation.

Sec. 11j. From the appropriation in section 11, there is allocated an amount not to exceed $111,000,000.00 for 2020-2021 for payments to the school loan bond redemption fund in the department of treasury on behalf of districts and intermediate districts. Notwithstanding section 296 or any other provision of this act, funds allocated under this section are not subject to proration and must be paid in full.

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 92 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory

© Courtesy of www.legislature.mi.gov

act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

****** 388.1611j.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1611j.amended School loan bond redemption fund; allocation.

Sec. 11j. From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $111,000,000.00 for 2021-2022 for payments to the school loan bond redemption fund in the department of treasury on behalf of districts and intermediate districts. Notwithstanding section 296 or any other provision of this act, funds allocated under this section are not subject to proration and must be paid in full.

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year

© Courtesy of www.legislature.mi.gov

2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 92 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

****** 388.1611k THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1611k.amended ******

388.1611k School loan revolving fund; appropriation; definition.

Sec. 11k. For 2020-2021, there is appropriated from the general fund to the school loan revolving fund an amount equal to the amount of school bond loans assigned to the Michigan finance authority, not to exceed the total amount of school bond loans held in reserve as long-term assets. As used in this section, "school loan revolving fund" means that fund created in section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c.

History: Add. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1611k, which pertained to project grants to districts, was repealed by Act 111 of 2001, Imd. Eff. Sept. 28, 2001.

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1611k.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1611k.amended School loan revolving fund; appropriation; definition.

Sec. 11k. For 2021-2022, there is appropriated from the general fund to the school loan revolving fund an amount equal to the amount of school bond loans assigned to the Michigan finance authority, not to exceed the total amount of school bond loans held in reserve as long-term assets. As used in this section, "school loan revolving fund" means that fund created in section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c.

History: Add. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1611k, which pertained to project grants to districts, was repealed by Act 111 of 2001, Imd. Eff. Sept. 28, 2001.

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1611m Fiscal year cash-flow borrowing costs; allocation.

Sec. 11m. From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $8,700,000.00 and there is allocated for 2021-2022 an amount not to exceed $9,500,000.00 for fiscal year cash-flow borrowing costs solely related to the state school aid fund established under section 11 of article IX of the state constitution of 1963.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

© Courtesy of www.legislature.mi.gov

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 217 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1611n Allocation of federal funds under governor's emergency education relief (GEER) fund and elementary and secondary school emergency relief (ESSER) fund; payments to districts.

Sec. 11n. (1) From the federal funds appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $115,658,900.00 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, division M of Public Law 116-260, and there is allocated for 2020-2021 an amount not to exceed $1,656,308,300.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260.

(2) From the federal funds appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $3,712,213,800.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the American rescue plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2, there is allocated for 2020-2021 an amount not to exceed $93,023,000.00 from the federal funding awarded to this state under section 2002 of the American rescue plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2, for emergency assistance to nonpublic schools, and there is allocated for 2021-2022 an amount not to exceed $357,000,000.00 from the federal funding awarded to this state from the coronavirus state fiscal recovery fund under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2.

(3) From the funds allocated under subsection (2), $2,380,800.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the American rescue plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2, is allocated for payments to districts as provided under this subsection. The department shall distribute the funds allocated under this subsection in the same manner as funds under section 11r(8) were distributed and for the purposes described under section 11r(9).

History: Add. 2021, Act 3, Imd. Eff. Mar. 9, 2021;—Am. 2021, Act 47, Imd. Eff. July 7, 2021;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Former MCL 388.1611n, which pertained to 21st century schools fund, was repealed by Act 121 of 2009, Imd. Eff. Oct. 19, 2009.

388.1611o Allocation of federal funds under MCL 388.1611n to nonpublic schools.

Sec. 11o. (1) From the federal funds allocated under section 11n, there is allocated for 2020-2021 an amount not to exceed $86,777,000.00 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, division M of Public Law 116-260, for emergency assistance to nonpublic schools

© Courtesy of www.legislature.mi.gov

as provided under section 312(d) of the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260.

(2) From the federal funds allocated under section 11n, there is allocated for 2020-2021 an amount not to exceed $93,023,000.00 from the federal funding awarded to this state for emergency assistance to nonpublic schools under section 2002 of the American rescue plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2 to provide services or assistance to nonpublic schools as provided under section 2002 of the American rescue plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2.

History: Add. 2021, Act 47, Imd. Eff. July 7, 2021.

Compiler's note: Former MCL 388.1611o, which pertained to allocations for certain early childhood services, early intervention services, summer great start readiness programs, and summer early childhood programs, was repealed by Act 108 of 2017, Eff. Oct. 1, 2017.

***** *388.1611p THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021* *****

388.1611p Federal funding to districts from the coronavirus relief fund under the coronavirus aid, relief, and economic security act; compliance requirements.

Sec. 11p. (1) From the federal funds appropriated under section 11, for 2019-2020 only, there is allocated an amount not to exceed $512,000,000.00 from the federal funding awarded to this state from the coronavirus relief fund under the coronavirus aid, relief, and economic security act, Public Law 116-136.

(2) From the funds allocated under this section, the department shall pay to each district an amount equal to $350.00 for each pupil in membership for 2019-2020 only.

(3) A district receiving funds under this section must comply with all requirements corresponding to the receipt of funds under the coronavirus aid, relief, and economic security act, Public Law 116-136, and 2 CFR part 200, as applicable, including, but not limited to, any certifications, assurances, and accountability and transparency provisions. The department may require any documentation necessary to ensure compliance with federal requirements.

(4) A district receiving funds under this section must, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

(5) Any funds received under this act and expended by a district in any manner that does not adhere to the coronavirus aid, relief, and economic security act, Public Law 116-136, or 2 CFR part 200, as applicable, must be returned to this state. If it is determined that a district receiving funds under this act expended any funds received under this act for a purpose that is not consistent with the requirements of the coronavirus aid, relief, and economic security act, Public Law 116-136, or 2 CFR part 200, as applicable, the state budget director is authorized to withhold payment of state funds, in part or in whole, payable to that district from any state appropriation under this act.

(6) The allocation in this section from the federal funding awarded to this state from the coronavirus relief fund under the coronavirus aid, relief, and economic security act, Public Law 116-136, reduces to $0.00 the coronavirus relief fund appropriations authorized in the same amount and for the same purpose under section 302 of 2020 PA 67.

History: Add. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020.

Compiler's note: Former MCL 388.1611p, which pertained to allocation from federal funds, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

***** *388.1611q THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021* *****

388.1611q Appropriation from the countercyclical budget and economic stabilization fund for 2019-2020.

Sec. 11q. (1) Pursuant to section 352 of the management and budget act, 1984 PA 431, MCL 18.1352, for the fiscal year ending September 30, 2020 only, there is appropriated from the countercyclical budget and economic stabilization fund created under section 351 of the management and budget act, 1984 PA 431, MCL 18.1351, to the state school aid fund the sum of $287,156,500.00. The annual growth rate for the current calendar year was estimated to be less than 0% at the most recent consensus revenue estimating conference. The amount appropriated in this subsection represents the maximum appropriation allowed under section 352(2) of the management and budget act, 1984 PA 431, MCL 18.1352.

(2) Following the appropriation in subsection (1), pursuant to section 358 of the management and budget act, 1984 PA 431, MCL 18.1358, for the fiscal year ending September 30, 2020 only, there is appropriated

© Courtesy of www.legislature.mi.gov

from the countercyclical budget and economic stabilization fund created under section 351 of the management and budget act, 1984 PA 431, MCL 18.1351, to the state school aid fund the sum of $62,843,500.00.

History: Add. 2020, Act 146, Imd. Eff. July 31, 2020.

Compiler's note: Former MCL 388.1611q, which pertained to additional federal education jobs funding, was repealed by Act 60 of 2013, Eff. Oct. 1, 2013.

388.1611r Payments to districts from the elementary and secondary school emergency relief (ESSER) fund; subgrants to local educational agencies; spending plan requirements; "ESSER II formula payment per pupil" defined.

Sec. 11r. (1) From the federal funds allocated under section 11n, there is allocated for 2020-2021 an amount not to exceed $1,498,959,000.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, and an amount not to exceed $3,347,849,700.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the American rescue plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2; and, from the state school aid fund money appropriated under section 11, there is allocated $136,000,000.00, for the purposes of this section.

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

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

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

(5) From the state school aid fund money allocated under subsection (1), there is allocated $136,000,000.00 to eligible districts as provided in this subsection. The department shall pay each eligible district under this subsection an amount equal to the product of the district's 2020-2021 pupils in membership multiplied by the difference between $450.00 and the district's ESSER II formula payment per pupil. A district to which all of the following apply is an eligible district under this subsection:

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

(b) Except as otherwise provided in this subdivision, by not later than March 22, 2021, excluding days that are part of a previously scheduled period of time for which the district is not in session, the district offers in-person instruction at least 20 hours each school week if the district's school week includes 5 school days or, if the district's school week does not include 5 school days, offers in-person instruction in an amount of hours

© Courtesy of www.legislature.mi.gov

necessary each school week to provide the instruction it would have provided in 20 hours for a 5-school-day school week to all pupils enrolled in the district, regardless of whether or not all pupils enrolled in the district participate in the in-person instruction offered. The previous sentence does not apply to any district whose board of education adopted or adopts a public health order closing schools for public health reasons to protect public health or to any district that closed or closes schools due to a local public health order. This subdivision does not apply to a district that operates as a cyber school as that term is defined in section 551 of the revised school code, MCL 380.551. As used in this subdivision, "in-person instruction" means instruction that a pupil receives while he or she is physically present at a school building designated by the district in which he or she is enrolled.

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

(d) The district pledges that it will, beginning with the first meeting after March 9, 2021, at each meeting of the board of the district during which the district reconfirms how instruction is going to be delivered under section 98a, confirm that it is offering instruction to pupils as described in subdivision (b). This subdivision does not apply to a district that operates as a cyber school as that term is defined in section 551 of the revised school code, MCL 380.551.

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

(7) In order to receive funding under subsections (2) and (5), a district must submit a spending plan to the department by not later than April 23, 2021. A spending plan described in this subsection must include the district's estimated spending of funds received under subsection (2) for the purposes described in subsection (6), disaggregated by the type of service provided. The department shall send a report concerning the spending plans received under this subsection to the legislature.

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

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

(10) From the federal funds allocated under subsection (1), there is allocated $8,281,500.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, to the department for administrative costs in implementing this section.

(11) As used in this section, "ESSER II formula payment per pupil" means an amount equal to the sum of the amount of funds the district receives under subsection (2) and the amount of funds the district would have received under subsection (3) if House Bill No. 4049 of the 101st Legislature was enacted into law and effective within 14 days after House Bill No. 4049 of the 101st Legislature was presented to the governor divided by the district's pupils in membership for the 2020-2021 school year as calculated under section 6.

History: Add. 2021, Act 3, Imd. Eff. Mar. 9, 2021;—Am. 2021, Act 47, Imd. Eff. July 7, 2021.

Compiler's note: Former MCL 388.1611r, which pertained to distressed districts emergency grant fund, was repealed by Act 108 of 2017, Eff. Oct. 1, 2017.

****** 388.1611s THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1611s.amended ******

388.1611s Services and programs for children residing within cities for which executive proclamation of emergency issued under MCL 30.401 to 30.421; water emergency reserve

© Courtesy of www.legislature.mi.gov

fund; employment of school nurses, classroom aides, and school social workers; state early intervention services; school-day great start readiness program; nutritional services; interventions and supports for certain students; contingency funds; payment schedule.

Sec. 11s. (1) From the state school aid fund money appropriated in section 11, there is allocated $5,000,000.00 for 2020-2021 and from the general fund money appropriated in section 11, there is allocated $3,075,000.00 for 2020-2021 for the purpose of providing services and programs to children who reside within the boundaries of a district with the majority of its territory located within the boundaries of a city for which an executive proclamation of emergency concerning drinking water is issued in the current or immediately preceding 5 fiscal years under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421. From the funding appropriated in section 11, there is allocated for 2020-2021 $100.00 from the water emergency reserve fund for the purposes of this section.

(2) From the general fund money allocated in subsection (1), there is allocated to a district with the majority of its territory located within the boundaries of a city in which an executive proclamation of emergency is issued in the current or immediately preceding 5 fiscal years and that has at least 4,500 pupils in membership for the 2016-2017 fiscal year or has at least 3,000 pupils in membership for a fiscal year after 2016-2017, an amount not to exceed $2,425,000.00 for 2020-2021 for the purpose of employing school nurses, classroom aides, and school social workers. The district shall provide a report to the department in a form, manner, and frequency prescribed by the department. The department shall provide a copy of that report to the governor, the house and senate school aid subcommittees, the house and senate fiscal agencies, and the state budget director within 5 days after receipt. The report must provide at least the following information:

(a) How many personnel were hired using the funds allocated under this subsection.

(b) A description of the services provided to pupils by those personnel.

(c) How many pupils received each type of service identified in subdivision (b).

(d) Any other information the department considers necessary to ensure that the children described in subsection (1) received appropriate levels and types of services.

(3) For 2020-2021 only, from the state school aid fund money allocated in subsection (1), there is allocated an amount not to exceed $2,400,000.00 to an intermediate district that has a constituent district described in subsection (2) to provide state early intervention services for children described in subsection (1) who are between age 3 and age 5. The intermediate district shall use these funds to provide state early intervention services that are similar to the services described in the early on Michigan state plan, including ensuring that all children described in subsection (1) who are less than 4 years of age as of September 1, 2016 are assessed and evaluated at least twice annually.

(4) From the state school aid fund money allocated in subsection (1), there is allocated an amount not to exceed $1,000,000.00 for 2020-2021 to the intermediate district described in subsection (3) to enroll children described in subsection (1) in school-day great start readiness programs, regardless of household income eligibility requirements contained in section 32d. The department shall administer this funding consistent with all other provisions that apply to great start readiness programs under sections 32d and 39.

(5) For 2020-2021, from the general fund money allocated in subsection (1), there is allocated an amount not to exceed $650,000.00 for nutritional services to children described in subsection (1).

(6) For 2020-2021, from the state school aid fund money allocated in subsection (1), there is allocated an amount not to exceed $1,600,000.00 to the intermediate district described in subsection (3) for interventions and supports for students in K to 12 who were impacted by an executive proclamation of emergency described in subsection (1) concerning drinking water. Funds under this subsection must be used for behavioral supports, social workers, counselors, psychologists, nursing services, including, but not limited to, vision and hearing services, transportation services, parental engagement, community coordination, and other support services.

(7) In addition to other funding allocated and appropriated in this section, there is appropriated an amount not to exceed $5,000,000.00 for 2020-2021 for state restricted contingency funds. These contingency funds are not available for expenditure until they have been transferred to a section within this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1611s.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021. HOWEVER, SUBSECTION (3) OF THIS AMENDED SECTION APPLIES UPON ENACTMENT BEGINNING JULY 13,*

© Courtesy of www.legislature.mi.gov

2021: See compiler's note following this section. *****

388.1611s.amended Services and programs for children residing within cities for which executive proclamation of emergency concerning drinking water issued under MCL 30.401 to 30.421; water emergency reserve fund; employment of school nurses, classroom aides, and school social workers; state early intervention services; school-day great start readiness program; nutritional services; interventions and supports for certain students; early childhood collaborative; contingency funds; payment schedule.

Sec. 11s. (1) From the state school aid fund money appropriated in section 11, there is allocated $5,000,000.00 for 2021-2022 and from the general fund money appropriated in section 11, there is allocated $3,075,000.00 for 2021-2022 for the purpose of providing services and programs to children who reside within the boundaries of a district with the majority of its territory located within the boundaries of a city for which an executive proclamation of emergency concerning drinking water is issued in the current or immediately preceding 6 fiscal years under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421. From the funding appropriated in section 11, there is allocated for 2021-2022 $100.00 from the water emergency reserve fund for the purposes of this section.

(2) From the general fund money allocated in subsection (1), there is allocated to a district with the majority of its territory located within the boundaries of a city for which an executive proclamation of emergency concerning drinking water is issued in the current or immediately preceding 6 fiscal years and that has at least 4,500 pupils in membership for the 2016-2017 fiscal year or has at least 3,000 pupils in membership for a fiscal year after 2016-2017, an amount not to exceed $2,425,000.00 for 2021-2022 for the purpose of employing school nurses, classroom aides, and school social workers. The district shall provide a report to the department in a form, manner, and frequency prescribed by the department. The department shall provide a copy of that report to the governor, the house and senate school aid subcommittees, the house and senate fiscal agencies, and the state budget director within 5 days after receipt. The report must provide at least the following information:

(a) How many personnel were hired using the funds allocated under this subsection.

(b) A description of the services provided to pupils by those personnel.

(c) How many pupils received each type of service identified in subdivision (b).

(d) Any other information the department considers necessary to ensure that the children described in subsection (1) received appropriate levels and types of services.

(3) For 2020-2021, from the state school aid fund money appropriated in section 11, there is allocated $2,400,000.00, and, for 2021-2022, from the state school aid fund money allocated in subsection (1), there is allocated an amount not to exceed $2,000,000.00 to an intermediate district that has a constituent district described in subsection (2) to provide state early intervention services for children described in subsection (1) who are between age 3 and age 5. The intermediate district shall use these funds to provide state early intervention services that are similar to the services described in the early on Michigan state plan.

(4) From the state school aid fund money allocated in subsection (1), there is allocated an amount not to exceed $1,000,000.00 for 2021-2022 to the intermediate district described in subsection (3) to enroll children described in subsection (1) in school-day great start readiness programs, regardless of household income eligibility requirements contained in section 32d. The department shall administer this funding consistent with all other provisions that apply to great start readiness programs under sections 32d and 39.

(5) For 2021-2022, from the general fund money allocated in subsection (1), there is allocated an amount not to exceed $650,000.00 for nutritional services to children described in subsection (1).

(6) For 2021-2022, from the state school aid fund money allocated in subsection (1), there is allocated an amount not to exceed $2,000,000.00 to the intermediate district described in subsection (3) for interventions and supports for students in K to 12 who were impacted by an executive proclamation of emergency described in subsection (1) concerning drinking water. Funds under this subsection must be used for behavioral supports, social workers, counselors, psychologists, nursing services, including, but not limited to, vision and hearing services, transportation services, parental engagement, community coordination, and other support services.

(7) In addition to the allocation under subsection (1), from the general fund money appropriated under section 11, there is allocated an amount not to exceed $1,000,000.00 for 2021-2022 only for an early childhood collaborative that serves students located in a county with a population of not less than 400,000 or more than 500,000. The funds allocated under this subsection must be used to continue the expansion of early childhood services in response to an executive proclamation of emergency described in this section concerning drinking water.

(8) In addition to the allocation under subsection (1), from the general fund money appropriated under

© Courtesy of www.legislature.mi.gov

section 11, there is allocated an amount not to exceed $1,384,900.00 for 2021-2022 only for the early childhood collaborative described in subsection (7) to be used in support of enrollment software and staff. The collaborative described in this subsection may use back-office supports from Genesee Intermediate School District and the Genesee County Community Action Resource Department to reduce project costs for purposes of this subsection. The collaborative described in this subsection must ensure that all of the following are met:

(a) It chooses an enrollment program for purposes of this subsection that provides families with all of the following:

(*i*) A coordinated information campaign.

(*ii*) Coordinated eligibility determination and preferences.

(*iii*) A coordinated application.

(*iv*) Highly qualified full-time and seasonal enrollment and analytics staff.

(*v*) Content built with language services, program overhead, equipment, and supplies.

(b) The enrollment program selected by the collaborative for purposes of this subsection has a record of improving enrollment in New Orleans.

(c) The enrollment program selected by the collaborative for purposes of this subsection received funds from the C.S. Mott Foundation for the project.

(d) It complies with application and reporting requirements as determined by the department.

(e) It allocates the funds received under this subsection over 3 phases, to provide explicit, targeted enrollment within an individualized enrollment system that continually adjusts to a family's needs.

(9) In addition to other funding allocated and appropriated in this section, there is appropriated an amount not to exceed $5,000,000.00 for 2021-2022 for state restricted contingency funds. These contingency funds are not available for expenditure until they have been transferred to a section within this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 3 of Act 48 of 2021 provides:

"Enacting section 3. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect October 1, 2021.

(2) Sections 6(8), 6a, 11, 11m, 11n, 11s(3), 22a, 22b, 24, 26c, 29a, 31d, 31f, 39a, 51a, 51c, 51d, 56, 62, 81, 104a, 147a, and 147e of the state school aid act of 1979, 1979 PA 94, MCL 388.1606, 388.1606a, 388.1611, 388.1611m, 388.1611n, 388.1611s, 388.1622a, 388.1622b, 388.1624, 388.1626c, 388.1629a, 388.1631d, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1656, 388.1662, 388.1681, 388.1704a, 388.1747a, and 388.1747e, as amended and sections 11t, 31p, and 39(9) of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, take effect upon enactment of this amendatory act."

388.1611t Payments to eligible districts from the elementary and secondary school emergency relief (ESSER) fund; interventions, activities, and programs for disproportionate impact of COVID-19; spending plan; payment per pupil.

Sec. 11t. (1) From the federal funds allocated under section 11n, there is allocated for 2020-2021 an amount not to exceed $361,983,300.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the American rescue plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2, to eligible districts as provided in this section. The department shall pay each eligible district under this subsection an amount equal to the product of the district's 2020-2021 pupils in membership multiplied by the difference between $1,093.00 and the district's ESSER III formula payment per pupil. A district that has an ESSER III formula payment per pupil that is less than $1,093.00 is an eligible district under this subsection.

(2) Both of the following apply to the funding under subsection (1):

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

(*i*) At least 51.4% for activities to address learning loss by supporting the implementation of evidence-based interventions.

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

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

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

© Courtesy of www.legislature.mi.gov

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

(3) In order to receive funding under subsection (1), a district must submit a spending plan to the department by not later than 45 days after the effective date of the amendatory act that added this section. A spending plan described in this subsection must include the district's estimated spending of funds received under subsection (1) for the purposes described under subsection (2), disaggregated by the type of service provided. A district shall also post the spending plan described in this subsection on its website.

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

History: Add. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: The repealed section pertained to legislative intent to change name of state school aid fund to comprehensive education fund.

Former MCL 388.1611t which pertained to legislative intent to change name of state school aid fund to comprehensive education fund was repealed by Act 60 of 2013, Eff. Oct. 1, 2013.

388.1611u Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to legislative intent to examine funding structure.

388.1612 Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to legislative intent concerning appropriations for fiscal year ending September 30, 2016.

388.1613 Apportionments and limitations of apportionments; basis; counting pupil membership and professionals.

Sec. 13. Except as otherwise provided in this act, the apportionments and limitations of the apportionments made under this act shall be made on the membership and number of teachers and other professionals approved by the superintendent employed as of the pupil membership count day of each year and on the taxable value and the operating millage of each district for the calendar year. In addition, a district maintaining school during the entire year, as provided in section 1561 of the revised school code, MCL 380.1561, shall count memberships and educational personnel pursuant to rules promulgated by the superintendent and shall report to the center as required by state and federal law.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 95, Imd. Eff. July 13, 1993;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

388.1614 Defective data; duties of department.

Sec. 14. If the data from an intermediate district or district upon which a statement of the amount to be disbursed or paid are determined to be defective or incomplete, making it impracticable to ascertain the apportionment to be disbursed or paid, the department shall withhold the amount of the apportionment that cannot be ascertained until the department is able to ascertain by the best evidence available the facts upon which the ratio and amount of the apportionment depend, and then shall make the apportionment accordingly.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 2006, Act 342, Eff. Oct. 1, 2006.

Compiler's note: Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

****** 388.1615 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1615.amended ******

388.1615 Apportionment of deficiency; state aid overpayments to districts; deduction or payment due to adjustment as result of audit or information; incorrect payment; adjustments for educator certification violations; audits; funding expenditures caused by

© Courtesy of www.legislature.mi.gov

write-off of prior year accruals; additional appropriation.

Sec. 15. (1) If a district or intermediate district fails to receive its proper apportionment, the department, upon satisfactory proof that the district or intermediate district was entitled justly, shall apportion the deficiency in the next apportionment. Subject to subsections (2) and (3), if a district or intermediate district has received more than its proper apportionment, the department, upon satisfactory proof, shall deduct the excess in the next apportionment. Notwithstanding any other provision in this article, state aid overpayments to a district, other than overpayments in payments for special education or special education transportation, may be recovered from any payment made under this article other than a special education or special education transportation payment, from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211. State aid overpayments made in special education or special education transportation payments may be recovered from subsequent special education or special education transportation payments, from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211.

(2) If the result of an audit conducted by or for the department affects the current fiscal year membership, the department shall adjust affected payments in the current fiscal year. A deduction due to an adjustment made as a result of an audit conducted by or for the department, or as a result of information obtained by the department from the district, an intermediate district, the department of treasury, or the office of auditor general, must be deducted from the district's apportionments when the adjustment is finalized. At the request of the district and upon the district presenting evidence satisfactory to the department of the hardship, the department may grant up to an additional 4 years for the adjustment and may advance payments to the district otherwise authorized under this article if the district would otherwise experience a significant hardship in satisfying its financial obligations. However, a district that presented satisfactory evidence of hardship and was undergoing an extended adjustment during 2018-2019 may continue to use the period of extended adjustment as originally granted by the department.

(3) If, based on an audit by the department or the department's designee or because of new or updated information received by the department, the department determines that the amount paid to a district or intermediate district under this article for the current fiscal year or a prior fiscal year was incorrect, the department shall make the appropriate deduction or payment in the district's or intermediate district's allocation in the next apportionment after the adjustment is finalized. The department shall calculate the deduction or payment according to the law in effect in the fiscal year in which the incorrect amount was paid. If the district does not receive an allocation for the fiscal year or if the allocation is not sufficient to pay the amount of any deduction, the amount of any deduction otherwise applicable must be satisfied from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211, as determined by the department.

(4) If the department makes an adjustment under this section based in whole or in part on a membership audit finding that a district or intermediate district employed an educator in violation of certification requirements under the revised school code and rules promulgated by the department, the department shall prorate the adjustment according to the period of noncompliance with the certification requirements.

(5) The department may conduct audits, or may direct audits by designee of the department, for the current fiscal year and the immediately preceding fiscal year of all records related to a program for which a district or intermediate district has received funds under this article.

(6) Expenditures made by the department under this article that are caused by the write-off of prior year accruals may be funded by revenue from the write-off of prior year accruals.

(7) In addition to funds appropriated in section 11 for all programs and services, there is appropriated for 2020-2021 for obligations in excess of applicable appropriations an amount equal to the collection of overpayments, but not to exceed amounts available from overpayments.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2012, Act 286, Imd. Eff. Aug. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265,

© Courtesy of www.legislature.mi.gov

Eff. Oct. 1, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1615.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1615.amended Apportionment of deficiency; state aid overpayments to districts; deduction or payment due to adjustment as result of audit or information; incorrect payment; adjustments for educator certification violations; audits; funding expenditures caused by write-off of prior year accruals; additional appropriation.

Sec. 15. (1) If a district or intermediate district fails to receive its proper apportionment, the department, upon satisfactory proof that the district or intermediate district was entitled justly, shall apportion the deficiency in the next apportionment. Subject to subsections (2) and (3), if a district or intermediate district has received more than its proper apportionment, the department, upon satisfactory proof, shall deduct the excess in the next apportionment. Notwithstanding any other provision in this article, state aid overpayments to a district, other than overpayments in payments for special education or special education transportation, may be recovered from any payment made under this article other than a special education or special education transportation payment, from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211. State aid overpayments made in special education or special education transportation payments may be recovered from subsequent special education or special education transportation payments, from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211.

(2) If the result of an audit conducted by or for the department affects the current fiscal year membership, the department shall adjust affected payments in the current fiscal year. A deduction due to an adjustment made as a result of an audit conducted by or for the department, or as a result of information obtained by the department from the district, an intermediate district, the department of treasury, or the office of auditor general, must be deducted from the district's apportionments when the adjustment is finalized. At the request of the district and upon the district presenting evidence satisfactory to the department of the hardship, the department may grant up to an additional 4 years for the adjustment and may advance payments to the district otherwise authorized under this article if the district would otherwise experience a significant hardship in satisfying its financial obligations. However, a district that presented satisfactory evidence of hardship and was undergoing an extended adjustment during 2018-2019 may continue to use the period of extended adjustment as originally granted by the department.

(3) If, based on an audit by the department or the department's designee or because of new or updated information received by the department, the department determines that the amount paid to a district or intermediate district under this article for the current fiscal year or a prior fiscal year was incorrect, the

© Courtesy of www.legislature.mi.gov

department shall make the appropriate deduction or payment in the district's or intermediate district's allocation in the next apportionment after the adjustment is finalized. The department shall calculate the deduction or payment according to the law in effect in the fiscal year in which the incorrect amount was paid. If the district does not receive an allocation for the fiscal year or if the allocation is not sufficient to pay the amount of any deduction, the amount of any deduction otherwise applicable must be satisfied from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211, as determined by the department.

(4) If the department makes an adjustment under this section based in whole or in part on a membership audit finding that a district or intermediate district employed an educator in violation of certification requirements under the revised school code and rules promulgated by the department, the department shall prorate the adjustment according to the period of noncompliance with the certification requirements.

(5) The department may conduct audits, or may direct audits by designee of the department, for the current fiscal year and the immediately preceding fiscal year of all records related to a program for which a district or intermediate district has received funds under this article.

(6) Expenditures made by the department under this article that are caused by the write-off of prior year accruals may be funded by revenue from the write-off of prior year accruals.

(7) In addition to funds appropriated in section 11 for all programs and services, there is appropriated for 2021-2022 for obligations in excess of applicable appropriations an amount equal to the collection of overpayments, but not to exceed amounts available from overpayments.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2012, Act 286, Imd. Eff. Aug. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1616 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to allowance greater than actual amounts paid prohibited.

388.1617 Repealed. 1992, Act 148, Eff. Aug. 1, 1992.

Compiler's note: The repealed section pertained to amount to be distributed in installments to districts.

© Courtesy of www.legislature.mi.gov

388.1617a Withholding payment district or intermediate district entitled to receive; extent; plan for financing outstanding obligation defaulted upon by district or intermediate district; use of amounts withheld; agreement assigning or pledging payment; effect of emergency manager or deficit elimination plan; indebtedness of state not created; "trustee of a pooled arrangement" defined; approval or disapproval of trust; allocation contingent upon compliance with section.

Sec. 17a. (1) The department may withhold all or part of any payment that a district or intermediate district is entitled to receive under this article to the extent the withholdings are a component part of a plan, developed and implemented pursuant to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, section 1356 of the revised school code, MCL 380.1356, or other statutory authority, for financing an outstanding obligation upon which the district or intermediate district defaulted or for other financial obligations of the district or intermediate district. Amounts withheld shall be used to pay, on behalf of the district or intermediate district, unpaid amounts or subsequently due amounts, or both, of principal and interest on the outstanding obligation upon which the district or intermediate district defaulted.

(2) The state treasurer may withhold all or part of any payment that a district or intermediate district is entitled to receive under this article to the extent authorized or required under section 15 of the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1935, the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, section 1356 of the revised school code, MCL 380.1356, or other statutory authority.

(3) Under an agreement entered into by a district or intermediate district assigning all or a portion of the payment that it is eligible to receive under this article to the Michigan finance authority or to the trustee of a pooled arrangement or pledging the amount for payment of an obligation it incurred with the Michigan finance authority or with the trustee of a pooled arrangement, the state treasurer shall transmit to the Michigan finance authority or a trustee designated by the Michigan finance authority or to the trustee of a pooled arrangement or other designated depository the amount of the payment that is assigned or pledged under the agreement.

(4) If a district or intermediate district for which an emergency manager is in place under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, or that has an approved deficit elimination plan or an approved enhanced deficit elimination plan under the revised school code, enters into or has entered into an agreement described in subsection (3) pursuant to section 1225(2) of the revised school code, MCL 380.1225, whether the obligation was issued before or after the effective date of this subsection, the portion of state school aid paid or to be paid on behalf of the district or intermediate district directly to the Michigan finance authority, or to a trustee designated by the Michigan finance authority, for the sole purpose of paying the principal of and interest on the obligation is subject to a lien and trust that is a statutory lien and trust, paramount and superior to all other liens and interests of any kind, for the sole purpose of paying the principal of and interest on the obligation. The statutory lien and trust applies to the state school aid received or to be received by the Michigan finance authority, or trustee designated by the Michigan finance authority, on behalf of the district or intermediate district, immediately upon the time when the state school aid is allocated to the district or intermediate district, but is subject to any subsequent reduction of the state school aid allocation by operation of law or executive order. The lien and trust imposed by this section with respect to state school aid has a priority as established in the agreement, except that the agreement shall not impair any existing lien and trust previously created pursuant to this section, including any lien and trust applicable to a multi-year repayment agreement under section 1225 of the revised school code, MCL 380.1225. Except as otherwise provided in this subsection, the lien and trust created under this subsection for the benefit of holders of the obligation issued pursuant to this section is valid and binding against a party having a claim of any kind in tort, contract, or otherwise against the district or intermediate district that has issued the obligation secured by a pledge of state school aid pursuant to this section, regardless of whether that party has notice of the pledge. A pledge made pursuant to this section for the benefit of the holders of obligations or others is perfected without delivery, recording, or notice. The state school aid paid or to be paid on behalf of a district or intermediate district to the Michigan finance authority, or trustee designated by the Michigan finance authority, shall be held in trust for the sole benefit of the holders of the obligation issued pursuant to this section or section 1225 of the revised school code, MCL 380.1225, and is exempt from being levied upon, taken, sequestered, or applied toward paying the debts or liabilities of the district or intermediate district other than for payment of the obligation to which the lien applies. However, nothing in this subsection alters the ability of the state treasurer to withhold state school aid from a district or intermediate district as provided by

© Courtesy of www.legislature.mi.gov

law.

(5) Notwithstanding the payment dates prescribed by this article for distributions under this article, the state treasurer may advance all or part of a payment that is dedicated for distribution or for which the appropriation authorizing the payment has been made if and to the extent, under the terms of an agreement entered into by a district or intermediate district and the Michigan finance authority, the payment that the district or intermediate district is eligible to receive has been assigned to or pledged for payment of an obligation it incurred with the Michigan finance authority.

(6) This section does not require the state to make an appropriation to any school district or intermediate school district and shall not be construed as creating an indebtedness of the state, and any agreement made pursuant to this section shall contain a statement to that effect.

(7) As used in this section, "trustee of a pooled arrangement" means the trustee of a trust approved by the state treasurer and, subject to the conditions and requirements of that approval, established for the purpose of offering for sale, as part of a pooled arrangement, certificates representing undivided interests in notes issued by districts or intermediate districts under section 1225 of the revised school code, MCL 380.1225.

(8) If a trustee applies to the state treasurer for approval of a trust for the purposes of this section, the state treasurer shall approve or disapprove the trust within 10 days after receipt of the application.

(9) An allocation to a district or intermediate district under this article is contingent upon the district's or intermediate district's compliance with this section.

History: Add. 1983, Act 37, Imd. Eff. May 10, 1983;—Am. 1985, Act 142, Eff. Jan. 13, 1986;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2002, Act 71, Imd. Eff. Mar. 15, 2002;—Am. 2005, Act 95, Imd. Eff. July 20, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006 ;—Am. 2012, Act 2, Imd. Eff. Feb. 7, 2012;—Am. 2013, Act 97, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 114, Imd. Eff. July 7, 2015.

Compiler's note: Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

388.1617b Amounts to be distributed in installments to districts; electronic files; payments; warrant; adjustments; grant payments; installment schedule; advance release of funds.

Sec. 17b. (1) Not later than October 20, November 20, December 20, January 20, February 20, March 20, April 20, May 20, June 20, July 20, and August 20, the department shall prepare electronic files of the amount to be distributed under this act in the installment to the districts and intermediate districts and deliver the electronic files to the state treasurer, and the state treasurer shall pay the installments on each of those dates or, if the date is not a business day, on the next business day following that date. Except as otherwise provided in this act, the portion of the district's or intermediate district's state fiscal year entitlement to be included in each installment shall be 1/11. A district or intermediate district shall accrue the payments received in July and August to the school fiscal year ending the immediately preceding June 30.

(2) The state treasurer shall make payment under this section by drawing a warrant in favor of the treasurer of each district or intermediate district for the amount payable to the district or intermediate district according to the electronic files and delivering the warrant to the treasurer of each district or intermediate district, or if the state treasurer receives a written request by the treasurer of the district or intermediate district specifying an account, by electronic funds transfer to that account of the amount payable to the district or intermediate district according to the electronic files. The department may make adjustments in payments made under this section through additional payments when changes in law or errors in computation cause the regularly scheduled payment to be less than the amount to which the district or intermediate district is entitled pursuant to this act.

(3) Except as otherwise provided in this act, grant payments to districts and intermediate districts under this act shall be paid according to the installment schedule under subsection (1).

(4) Upon the written request of a district or intermediate district and the submission of proof satisfactory to the department of a need of a temporary and nonrecurring nature, the superintendent, with the written concurrence of the state treasurer and the state budget director, may authorize an advance release of funds due a district or intermediate district under this act. An advance authorized under this subsection shall not cause funds to be paid to a district or intermediate district more than 30 days earlier than the established payment date for those funds.

History: Add. 1992, Act 148, Eff. Aug. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act

© Courtesy of www.legislature.mi.gov

93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2005, Act 150, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's note: Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 92 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1617c Grants to districts, intermediate districts, and eligible entities; accessibility; review by state board.

Sec. 17c. (1) Except as otherwise provided under this article, the department shall do both of the following for funds appropriated under this article for grants distributed by the department to districts, intermediate districts, and eligible entities:

(a) Open the grant application for funds appropriated for the immediately succeeding fiscal year by not later than September 1 of the current fiscal year or 30 calendar days after the state school aid budget for the immediately succeeding fiscal year is enacted into law, whichever occurs later. The department shall also provide to districts, intermediate districts, and eligible entities, and post on its publicly accessible website, the grant application and award process schedule and the list of state grants and contracts available in the immediately succeeding fiscal year.

(b) Publish grant awards for funds appropriated in the current fiscal year by not later than December 1 of the current fiscal year.

(2) Information for grants awarded from funds appropriated under this article for the immediately succeeding fiscal year must be placed on the state board agenda in August of the current fiscal year or in the month immediately following the month in which the state school aid budget for the immediately succeeding fiscal year is enacted into law, whichever occurs later.

History: Add. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1617c, which pertained to grant payments, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

***** *388.1618 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1618.amended* *****

388.1618 Applying money received under article; determining reasonableness of expenditures; withholding apportionment for violation; adoption of annual budget; availability of information on website; submission of annual comprehensive financial data; report; Michigan public school accounting manual chart of accounts; filing special education actual cost report and transportation expenditure report; review and update of pupil accounting and pupil auditing manuals; retention of property by public school academy; failure to comply with subsections (4), (5), (6), (7), and (12); inconsistent financial data; failure to comply with subsection (2); report on virtual learning per-pupil costs; "vendor type" defined; allocation contingent upon compliance with section; report of allocations.

Sec. 18. (1) Except as provided in another section of this article, each district or other entity shall apply the money received by the district or entity under this article to salaries and other compensation of teachers and other employees, tuition, transportation, lighting, heating, ventilation, water service, the purchase of textbooks, other supplies, and any other school operating expenditures defined in section 7. However, not more than 20% of the total amount received by a district under sections 22a and 22b or received by an intermediate district under section 81 may be transferred by the board to either the capital projects fund or to

© Courtesy of www.legislature.mi.gov

the debt retirement fund for debt service. A district or other entity shall not apply or take the money for a purpose other than as provided in this section. The department shall determine the reasonableness of expenditures and may withhold from a recipient of funds under this article the apportionment otherwise due upon a violation by the recipient. A district must not be prohibited or limited from using funds appropriated or allocated under this article that are permitted for use for noninstructional services to contract or subcontract with an intermediate district, third party, or vendor for the noninstructional services.

(2) A district or intermediate district shall adopt an annual budget in a manner that complies with the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a. Within 15 days after a district board adopts its annual operating budget for the following school fiscal year, or after a district board adopts a subsequent revision to that budget, the district shall make all of the following available through a link on its website homepage, or may make the information available through a link on its intermediate district's website homepage, in a form and manner prescribed by the department:

(a) The annual operating budget and subsequent budget revisions.

(b) Using data that have already been collected and submitted to the department, a summary of district expenditures for the most recent fiscal year for which they are available, expressed in the following 2 visual displays:

(*i*) A chart of personnel expenditures, broken into the following subcategories:

(A) Salaries and wages.

(B) Employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits.

(C) Retirement benefit costs.

(D) All other personnel costs.

(*ii*) A chart of all district expenditures, broken into the following subcategories:

(A) Instruction.

(B) Support services.

(C) Business and administration.

(D) Operations and maintenance.

(c) Links to all of the following:

(*i*) The current collective bargaining agreement for each bargaining unit.

(*ii*) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee in the district.

(*iii*) The audit report of the audit conducted under subsection (4) for the most recent fiscal year for which it is available.

(*iv*) The bids required under section 5 of the public employees health benefit act, 2007 PA 106, MCL 124.75.

(*v*) The district's written policy governing procurement of supplies, materials, and equipment.

(*vi*) The district's written policy establishing specific categories of reimbursable expenses, as described in section 1254(2) of the revised school code, MCL 380.1254.

(*vii*) Either the district's accounts payable check register for the most recent school fiscal year or a statement of the total amount of expenses incurred by board members or employees of the district that were reimbursed by the district for the most recent school fiscal year.

(d) The total salary and a description and cost of each fringe benefit included in the compensation package for the superintendent of the district and for each employee of the district whose salary exceeds $100,000.00.

(e) The annual amount spent on dues paid to associations.

(f) The annual amount spent on lobbying or lobbying services. As used in this subdivision, "lobbying" means that term as defined in section 5 of 1978 PA 472, MCL 4.415.

(g) Any deficit elimination plan or enhanced deficit elimination plan the district was required to submit under the revised school code.

(h) Identification of all credit cards maintained by the district as district credit cards, the identity of all individuals authorized to use each of those credit cards, the credit limit on each credit card, and the dollar limit, if any, for each individual's authorized use of the credit card.

(i) Costs incurred for each instance of out-of-state travel by the school administrator of the district that is fully or partially paid for by the district and the details of each of those instances of out-of-state travel, including at least identification of each individual on the trip, destination, and purpose.

(3) For the information required under subsection (2)(a), (2)(b)(*i*), and (2)(c), an intermediate district shall provide the same information in the same manner as required for a district under subsection (2).

(4) For the purposes of determining the reasonableness of expenditures, whether a district or intermediate

© Courtesy of www.legislature.mi.gov

district has received the proper amount of funds under this article, and whether a violation of this article has occurred, all of the following apply:

(a) The department shall require that each district and intermediate district have an audit of the district's or intermediate district's financial and pupil accounting records conducted at least annually, and at such other times as determined by the department, at the expense of the district or intermediate district, as applicable. The audits must be performed by a certified public accountant or by the intermediate district superintendent, as may be required by the department, or in the case of a district of the first class by a certified public accountant, the intermediate superintendent, or the auditor general of the city. A district or intermediate district shall retain these records for the current fiscal year and from at least the 3 immediately preceding fiscal years.

(b) If a district operates in a single building with fewer than 700 full-time equated pupils, if the district has stable membership, and if the error rate of the immediately preceding 2 pupil accounting field audits of the district is less than 2%, the district may have a pupil accounting field audit conducted biennially but must continue to have desk audits for each pupil count. The auditor must document compliance with the audit cycle in the pupil auditing manual. As used in this subdivision, "stable membership" means that the district's membership for the current fiscal year varies from the district's membership for the immediately preceding fiscal year by less than 5%.

(c) A district's or intermediate district's annual financial audit must include an analysis of the financial and pupil accounting data used as the basis for distribution of state school aid.

(d) The pupil and financial accounting records and reports, audits, and management letters are subject to requirements established in the auditing and accounting manuals approved and published by the department.

(e) All of the following must be done not later than November 1 each year for reporting the prior fiscal year data, but, for 2020-2021 only, not later than December 1 for reporting the 2019-2020 data:

(*i*) A district shall file the annual financial audit reports with the intermediate district and the department.

(*ii*) The intermediate district shall file the annual financial audit reports for the intermediate district with the department.

(*iii*) The intermediate district shall enter the pupil membership audit reports for its constituent districts and for the intermediate district, for the pupil membership count day and supplemental count day, in the Michigan student data system.

(f) The annual financial audit reports and pupil accounting procedures reports must be available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(g) Not later than January 31 of each year, the department shall notify the state budget director and the legislative appropriations subcommittees responsible for review of the school aid budget of districts and intermediate districts that have not filed an annual financial audit and pupil accounting procedures report required under this section for the school year ending in the immediately preceding fiscal year.

(5) By the first business day in November of each fiscal year, but, for submission of the 2019-2020 annual comprehensive financial data described in this subsection, by the first business day in December, each district and intermediate district shall submit to the center, in a manner prescribed by the center, annual comprehensive financial data consistent with the district's or intermediate district's audited financial statements and consistent with accounting manuals and charts of accounts approved and published by the department. For an intermediate district, the report must also contain the website address where the department can access the report required under section 620 of the revised school code, MCL 380.620. The department shall ensure that the prescribed Michigan public school accounting manual chart of accounts includes standard conventions to distinguish expenditures by allowable fund function and object. The functions must include at minimum categories for instruction, pupil support, instructional staff support, general administration, school administration, business administration, transportation, facilities operation and maintenance, facilities acquisition, and debt service; and must include object classifications of salary, benefits, including categories for active employee health expenditures, purchased services, supplies, capital outlay, and other. A district shall report the required level of detail consistent with the manual as part of the comprehensive annual financial report.

(6) By the last business day in September of each year, each district and intermediate district shall file with the center the special education actual cost report, known as "SE-4096", on a form and in the manner prescribed by the center. An intermediate district shall certify the audit of a district's report.

(7) By not later than 1 week after the last business day in September of each year, each district and intermediate district shall file with the center the audited transportation expenditure report, known as "SE-4094", on a form and in the manner prescribed by the center. An intermediate district shall certify the audit of a district's report.

(8) The department shall review its pupil accounting and pupil auditing manuals at least annually and shall

© Courtesy of www.legislature.mi.gov

periodically update those manuals to reflect changes in this article.

(9) If a district that is a public school academy purchases property using money received under this article, the public school academy shall retain ownership of the property unless the public school academy sells the property at fair market value.

(10) If a district or intermediate district does not comply with subsections (4), (5), (6), (7), and (12), or if the department determines that the financial data required under subsection (5) are not consistent with audited financial statements, the department shall withhold all state school aid due to the district or intermediate district under this article, beginning with the next payment due to the district or intermediate district, until the district or intermediate district complies with subsections (4), (5), (6), (7), and (12). If the district or intermediate district does not comply with subsections (4), (5), (6), (7), and (12) by the end of the fiscal year, the district or intermediate district forfeits the amount withheld.

(11) If a district or intermediate district does not comply with subsection (2), the department may withhold up to 10% of the total state school aid due to the district or intermediate district under this article, beginning with the next payment due to the district or intermediate district, until the district or intermediate district complies with subsection (2). If the district or intermediate district does not comply with subsection (2) by the end of the fiscal year, the district or intermediate district forfeits the amount withheld.

(12) By November 1 of each year, if a district or intermediate district offers virtual learning under section 21f, or for a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, the district or intermediate district shall submit to the department a report that details the per-pupil costs of operating the virtual learning by vendor type and virtual learning model. The report must include information concerning the operation of virtual learning for the immediately preceding school fiscal year, including information concerning summer programming. Information must be collected in a form and manner determined by the department and must be collected in the most efficient manner possible to reduce the administrative burden on reporting entities.

(13) By March 31 of each year, the department shall submit to the house and senate appropriations subcommittees on state school aid, the state budget director, and the house and senate fiscal agencies a report summarizing the per-pupil costs by vendor type of virtual courses available under section 21f and virtual courses provided by a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551.

(14) As used in subsections (12) and (13), "vendor type" means the following:

(a) Virtual courses provided by the Michigan Virtual University.

(b) Virtual courses provided by a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551.

(c) Virtual courses provided by third party vendors not affiliated with a Michigan public school.

(d) Virtual courses created and offered by a district or intermediate district.

(15) An allocation to a district or another entity under this article is contingent upon the district's or entity's compliance with this section.

(16) Beginning October 1, 2020, and annually thereafter, the department shall submit to the senate and house subcommittees on state school aid and to the senate and house standing committees on education an itemized list of allocations under this article to any association or consortium consisting of associations in the immediately preceding fiscal year. The report must detail the recipient or recipients, the amount allocated, and the purpose for which the funds were distributed.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 414, Eff. Jan. 1, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2014, Act 476, Eff. Mar. 31, 2015;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 114, Imd. Eff. July 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to

© Courtesy of www.legislature.mi.gov

local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1618.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1618.amended Applying money received under article; determining reasonableness of expenditures; withholding apportionment for violation; adoption of annual budget; availability of information on website; submission of annual comprehensive financial data; report; Michigan public school accounting manual chart of accounts; filing special education actual cost report and transportation expenditure report; review and update of pupil accounting and pupil auditing manuals; retention of property by public school academy; failure to comply with subsections (4), (5), (6), (7), and (12); inconsistent financial data; failure to comply with subsection (2); report on virtual learning per-pupil costs; "vendor type" defined; allocation contingent upon compliance with section; report of allocations.

Sec. 18. (1) Except as provided in another section of this article, each district or other entity shall apply the money received by the district or entity under this article to salaries and other compensation of teachers and other employees, tuition, transportation, lighting, heating, ventilation, water service, the purchase of textbooks, other supplies, and any other school operating expenditures defined in section 7. However, not more than 20% of the total amount received by a district under sections 22a and 22b or received by an intermediate district under section 81 may be transferred by the board to either the capital projects fund or to the debt retirement fund for debt service. A district or other entity shall not apply or take the money for a purpose other than as provided in this section. The department shall determine the reasonableness of expenditures and may withhold from a recipient of funds under this article the apportionment otherwise due upon a violation by the recipient. A district must not be prohibited or limited from using funds appropriated or allocated under this article that are permitted for use for noninstructional services to contract or subcontract with an intermediate district, third party, or vendor for the noninstructional services.

(2) A district or intermediate district shall adopt an annual budget in a manner that complies with the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a. Within 15 days after a district board adopts its annual operating budget for the following school fiscal year, or after a district board adopts a subsequent revision to that budget, the district shall make all of the following available through a link on its website homepage, or may make the information available through a link on its intermediate district's website homepage, in a form and manner prescribed by the department:

(a) The annual operating budget and subsequent budget revisions.

(b) Using data that have already been collected and submitted to the department, a summary of district expenditures for the most recent fiscal year for which they are available, expressed in the following 2 visual displays:

(*i*) A chart of personnel expenditures, broken into the following subcategories:

(A) Salaries and wages.

(B) Employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits.

(C) Retirement benefit costs.

(D) All other personnel costs.

(*ii*) A chart of all district expenditures, broken into the following subcategories:

(A) Instruction.

(B) Support services.

(C) Business and administration.

© Courtesy of www.legislature.mi.gov

(D) Operations and maintenance.

(c) Links to all of the following:

(*i*) The current collective bargaining agreement for each bargaining unit.

(*ii*) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee in the district.

(*iii*) The audit report of the financial audit conducted under subsection (4) for the most recent fiscal year for which it is available.

(*iv*) The bids required under section 5 of the public employees health benefit act, 2007 PA 106, MCL 124.75.

(*v*) The district's written policy governing procurement of supplies, materials, and equipment.

(*vi*) The district's written policy establishing specific categories of reimbursable expenses, as described in section 1254(2) of the revised school code, MCL 380.1254.

(*vii*) Either the district's accounts payable check register for the most recent school fiscal year or a statement of the total amount of expenses incurred by board members or employees of the district that were reimbursed by the district for the most recent school fiscal year.

(d) The total salary and a description and cost of each fringe benefit included in the compensation package for the superintendent of the district and for each employee of the district whose salary exceeds $100,000.00.

(e) The annual amount spent on dues paid to associations.

(f) The annual amount spent on lobbying or lobbying services. As used in this subdivision, "lobbying" means that term as defined in section 5 of 1978 PA 472, MCL 4.415.

(g) Any deficit elimination plan or enhanced deficit elimination plan the district was required to submit under the revised school code.

(h) Identification of all credit cards maintained by the district as district credit cards, the identity of all individuals authorized to use each of those credit cards, the credit limit on each credit card, and the dollar limit, if any, for each individual's authorized use of the credit card.

(i) Costs incurred for each instance of out-of-state travel by the school administrator of the district that is fully or partially paid for by the district and the details of each of those instances of out-of-state travel, including at least identification of each individual on the trip, destination, and purpose.

(3) For the information required under subsection (2)(a), (2)(b)(*i*), and (2)(c), an intermediate district shall provide the same information in the same manner as required for a district under subsection (2).

(4) For the purposes of determining the reasonableness of expenditures, whether a district or intermediate district has received the proper amount of funds under this article, and whether a violation of this article has occurred, all of the following apply:

(a) The department shall require that each district and intermediate district have an audit of the district's or intermediate district's financial and pupil accounting records conducted at least annually, and at such other times as determined by the department, at the expense of the district or intermediate district, as applicable. The audits must be performed by a certified public accountant or by the intermediate district superintendent, as may be required by the department, or in the case of a district of the first class by a certified public accountant, the intermediate superintendent, or the auditor general of the city. A district or intermediate district shall retain these records for the current fiscal year and from at least the 3 immediately preceding fiscal years.

(b) If a district operates in a single building with fewer than 700 full-time equated pupils, if the district has stable membership, and if the error rate of the immediately preceding 2 pupil accounting field audits of the district is less than 2%, the district may have a pupil accounting field audit conducted biennially but must continue to have desk audits for each pupil count. The auditor must document compliance with the audit cycle in the pupil auditing manual. As used in this subdivision, "stable membership" means that the district's membership for the current fiscal year varies from the district's membership for the immediately preceding fiscal year by less than 5%.

(c) A district's or intermediate district's annual financial audit must include an analysis of the financial and pupil accounting data used as the basis for distribution of state school aid.

(d) The pupil and financial accounting records and reports, audits, and management letters are subject to requirements established in the auditing and accounting manuals approved and published by the department.

(e) All of the following must be done not later than November 1 each year for reporting the prior fiscal year data:

(*i*) A district shall file the annual financial audit reports with the intermediate district and the department.

(*ii*) The intermediate district shall file the annual financial audit reports for the intermediate district with the department.

© Courtesy of www.legislature.mi.gov

(*iii*) The intermediate district shall enter the pupil membership audit reports for its constituent districts and for the intermediate district, for the pupil membership count day and supplemental count day, in the Michigan student data system.

(f) The annual financial audit reports and pupil accounting procedures reports must be available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(g) Not later than January 31 of each year, the department shall notify the state budget director and the legislative appropriations subcommittees responsible for review of the school aid budget of districts and intermediate districts that have not filed an annual financial audit and pupil accounting procedures report required under this section for the school year ending in the immediately preceding fiscal year.

(5) By the first business day in November of each fiscal year, each district and intermediate district shall submit to the center, in a manner prescribed by the center, annual comprehensive financial data consistent with the district's or intermediate district's audited financial statements and consistent with accounting manuals and charts of accounts approved and published by the department. For an intermediate district, the report must also contain the website address where the department can access the report required under section 620 of the revised school code, MCL 380.620. The department shall ensure that the prescribed Michigan public school accounting manual chart of accounts includes standard conventions to distinguish expenditures by allowable fund function and object. The functions must include at minimum categories for instruction, pupil support, instructional staff support, general administration, school administration, business administration, transportation, facilities operation and maintenance, facilities acquisition, and debt service; and must include object classifications of salary, benefits, including categories for active employee health expenditures, purchased services, supplies, capital outlay, and other. A district shall report the required level of detail consistent with the manual as part of the comprehensive annual financial report.

(6) By the last business day in September of each year, each district and intermediate district shall file with the center the special education actual cost report, known as "SE-4096", on a form and in the manner prescribed by the center. An intermediate district shall certify the audit of a district's report.

(7) By not later than 1 week after the last business day in September of each year, each district and intermediate district shall file with the center the audited transportation expenditure report, known as "SE-4094", on a form and in the manner prescribed by the center. An intermediate district shall certify the audit of a district's report.

(8) The department shall review its pupil accounting and pupil auditing manuals at least annually and shall periodically update those manuals to reflect changes in this article. Any changes to the pupil accounting manual that are applicable for the school year that begins after March 31 of a fiscal year must be published by not later than March 31 of that fiscal year. However, if legislation is enacted that necessitates adjustments to the pupil accounting manual after March 31 of a fiscal year, and a district incurs a violation of the amended pupil accounting manual in the subsequent fiscal year, the department must notify the district of that violation and allow the district 30 days to correct the violation before the department is allowed to impose financial penalties under this act related to the violation.

(9) If a district that is a public school academy purchases property using money received under this article, the public school academy shall retain ownership of the property unless the public school academy sells the property at fair market value.

(10) If a district or intermediate district does not comply with subsections (4), (5), (6), (7), and (12), or if the department determines that the financial data required under subsection (5) are not consistent with audited financial statements, the department shall withhold all state school aid due to the district or intermediate district under this article, beginning with the next payment due to the district or intermediate district, until the district or intermediate district complies with subsections (4), (5), (6), (7), and (12). If the district or intermediate district does not comply with subsections (4), (5), (6), (7), and (12) by the end of the fiscal year, the district or intermediate district forfeits the amount withheld.

(11) If a district or intermediate district does not comply with subsection (2), the department may withhold up to 10% of the total state school aid due to the district or intermediate district under this article, beginning with the next payment due to the district or intermediate district, until the district or intermediate district complies with subsection (2). If the district or intermediate district does not comply with subsection (2) by the end of the fiscal year, the district or intermediate district forfeits the amount withheld.

(12) By November 1 of each year, if a district or intermediate district offers virtual learning under section 21f, or for a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, the district or intermediate district shall submit to the department a report that details the per-pupil costs of operating the virtual learning by vendor type and virtual learning model. The report must include information concerning the operation of virtual learning for the immediately preceding school fiscal year, including information concerning summer programming. Information must be collected in a form and

© Courtesy of www.legislature.mi.gov

manner determined by the department and must be collected in the most efficient manner possible to reduce the administrative burden on reporting entities.

(13) By March 31 of each year, the department shall submit to the house and senate appropriations subcommittees on state school aid, the state budget director, and the house and senate fiscal agencies a report summarizing the per-pupil costs by vendor type of virtual courses available under section 21f and virtual courses provided by a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551.

(14) As used in subsections (12) and (13), "vendor type" means the following:

(a) Virtual courses provided by the Michigan Virtual University.

(b) Virtual courses provided by a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551.

(c) Virtual courses provided by third party vendors not affiliated with a public school in this state.

(d) Virtual courses created and offered by a district or intermediate district.

(15) An allocation to a district or another entity under this article is contingent upon the district's or entity's compliance with this section.

(16) The department shall annually submit to the senate and house subcommittees on school aid and to the senate and house standing committees on education an itemized list of allocations under this article to any association or consortium consisting of associations in the immediately preceding fiscal year. The report must detail the recipient or recipients, the amount allocated, and the purpose for which the funds were distributed.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 414, Eff. Jan. 1, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2014, Act 476, Eff. Mar. 31, 2015;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 114, Imd. Eff. July 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1618a Grant funds to be expended by end of fiscal year; failure of grant recipient to expend funds; report; return of unexpended funds.

Sec. 18a. Except as otherwise provided in this article, grant funds awarded and allotted to a district, intermediate district, or other entity, unless otherwise specified in this article, must be expended by the grant recipient before the end of the fiscal year immediately following the fiscal year in which the funds are received. Except as otherwise provided in this article, if a grant recipient does not expend the funds received under this article before the end of the fiscal year in which the funds are received, the grant recipient shall submit a report to the department not later than November 1 after the fiscal year in which the funds are received indicating whether it expects to expend those funds during the fiscal year in which the report is

© Courtesy of www.legislature.mi.gov

submitted. Except as otherwise provided in this article, a recipient of a grant shall return any unexpended grant funds to the department in the manner prescribed by the department not later than September 30 after the fiscal year in which the funds are received.

History: Add. 1992, Act 148, Eff. Aug. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

388.1618b Property of public school academy to be transferred to this state.

Sec. 18b. (1) Property of a public school academy that was acquired substantially with funds appropriated under this article shall be transferred to this state by the public school academy corporation if any of the following occur:

(a) The public school academy has been ineligible to receive funding under this article for 18 consecutive months.

(b) The public school academy's contract has been revoked or terminated for any reason.

(c) The public school academy's contract has expired and has not been reissued by the authorizing body.

(2) A public school academy corporation shall initiate the process of transferring property to this state as required under subsection (1) within 30 days after the occurrence of the event that triggers the process under subsection (1).

(3) Property required to be transferred to this state under this section includes title to all real and personal property, interests in real or personal property, and other assets owned by the public school academy corporation that were substantially acquired with funds appropriated under this article.

(4) The state treasurer, or his or her designee, is authorized to dispose of property transferred to this state under this section. Except as otherwise provided in this section, the state treasurer shall deposit in the state school aid fund any money included in that property and the net proceeds from the sale of the property or interests in property, after payment by the state treasurer of any public school academy debt secured by the property or interest in property.

(5) This section does not impose any liability on this state, any agency of this state, or an authorizing body for any debt incurred by a public school academy.

(6) As used in this section and section 18c, "authorizing body" means an authorizing body defined under section 501 or 1311b of the revised school code, MCL 380.501 and 380.1311b.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1618c Contract entered into by public school academy and third party.

Sec. 18c. Any contract, mortgage, loan, or other instrument of indebtedness entered into by a public school academy receiving funds under this article and a third party does not constitute an obligation, either general, special, or moral, of this state or of an authorizing body. The full faith and credit or the taxing power of this state or any agency of this state, or the full faith and credit of an authorizing body, shall not be pledged for the payment of any contract, mortgage, loan, or other instrument of indebtedness entered into by a public school academy.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017.

388.1618d Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to claim of debt or financial obligation.

****** 388.1619 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1619.amended ******

388.1619 Compliance with state and federal reporting requirements; report of graduation and dropout rates; appeal; educational personnel; limitation; failure to comply with

© Courtesy of www.legislature.mi.gov

requirements; list of school or district accountability designations; appeal of determination; publication of list; implementation of statewide standard reporting requirements.

Sec. 19. (1) A district or intermediate district shall comply with all applicable reporting requirements specified in state and federal law. Data provided to the center, in a form and manner prescribed by the center, shall be aggregated and disaggregated as required by state and federal law. In addition, a district or intermediate district shall cooperate with all measures taken by the center to establish and maintain a statewide P-20 longitudinal data system.

(2) Each district shall furnish to the center not later than 5 weeks after the pupil membership count day and by the last business day in June of the school fiscal year ending in the fiscal year, in a manner prescribed by the center, the information necessary for the preparation of the district and high school graduation report and for the preparation of the state and federal accountability reports. This information shall meet requirements established in the pupil auditing manual approved and published by the department. The center shall calculate an annual graduation and pupil dropout rate for each high school, each district, and this state, in compliance with nationally recognized standards for these calculations. The center shall report all graduation and dropout rates to the senate and house education committees and appropriations committees, the state budget director, and the department not later than 30 days after the publication of the list described in subsection (5). Before reporting these graduation and dropout rates, the department shall allow a school or district to appeal the calculations. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not report these graduation and dropout rates until after all appeals have been considered and decided.

(3) By the first business day in December and by the last business day in June of each year, a district shall furnish to the center, in a manner prescribed by the center, information related to educational personnel as necessary for reporting required by state and federal law. For the purposes of this subsection, the center shall only require districts and intermediate districts to report information that is not already available from the office of retirement services in the department of technology, management, and budget.

(4) If a district or intermediate district fails to meet the requirements of this section, the department shall withhold 5% of the total funds for which the district or intermediate district qualifies under this article until the district or intermediate district complies with all of those subsections. If the district or intermediate district does not comply with all of those subsections by the end of the fiscal year, the department shall place the amount withheld in an escrow account until the district or intermediate district complies with all of those subsections.

(5) Before publishing a list of school or district accountability designations as required by the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95, and utilizing data that were certified as accurate and complete after districts and intermediate districts adhered to deadlines, data quality reviews, and correction processes leading to local certification of final student data in subsection (2), the department shall allow a school or district to appeal any calculation errors used in the preparation of accountability metrics. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

(6) Beginning in 2016-2017, the department shall implement statewide standard reporting requirements for education data approved by the department in conjunction with the center. The department shall work with the center, intermediate districts, districts, and other interested stakeholders to implement this policy change. A district or intermediate district shall implement the statewide standard reporting requirements not later than 2017-2018 or when a district or intermediate district updates its education data reporting system, whichever is later.

History: Add. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2002, Act 191, Eff. Oct. 1, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 533, Eff. Apr. 9, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: For transfer of powers, duties, functions, and responsibilities of the department of education regarding educational reports to the center for educational performance and information by type II transfer, see E.R.O. No. 2000-6, compiled at MCL 388.996 of the Michigan compiled laws.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to

© Courtesy of www.legislature.mi.gov

local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1619.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1619.amended Compliance with state and federal reporting requirements; report of graduation and dropout rates; appeal; educational personnel; limitation; failure to comply with requirements; list of school or district accountability designations; appeal of determination; publication of list; implementation of statewide standard reporting requirements.

Sec. 19. (1) A district or intermediate district shall comply with all applicable reporting requirements specified in state and federal law. Data provided to the center, in a form and manner prescribed by the center, shall be aggregated and disaggregated as required by state and federal law. In addition, a district or intermediate district shall cooperate with all measures taken by the center to establish and maintain a statewide P-20 longitudinal data system.

(2) Each district shall furnish to the center not later than 5 weeks after the pupil membership count day and by the last business day in June of the school fiscal year ending in the fiscal year, in a manner prescribed by the center, the information necessary for the preparation of the district and high school graduation report, information regarding completion of early middle college credentials obtained and postsecondary credits obtained in any college acceleration program, and information necessary for the preparation of the state and federal accountability reports. This information shall meet requirements established in the pupil auditing manual approved and published by the department. The center shall calculate an annual graduation and pupil dropout rate for each high school, each district, and this state, in compliance with nationally recognized standards for these calculations. The center shall report all graduation and dropout rates to the senate and house education committees and appropriations committees, the state budget director, and the department not later than 30 days after the publication of the list described in subsection (5). Before reporting these graduation and dropout rates, the department shall allow a school or district to appeal the calculations. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not report these graduation and dropout rates until after all appeals have been considered and decided.

(3) By the first business day in December and by the last business day in June of each year, a district shall furnish to the center, in a manner prescribed by the center, information related to educational personnel as necessary for reporting required by state and federal law. For the purposes of this subsection, the center shall only require districts and intermediate districts to report information that is not already available from the office of retirement services in the department of technology, management, and budget.

(4) If a district or intermediate district fails to meet the requirements of this section, the department shall withhold 5% of the total funds for which the district or intermediate district qualifies under this article until the district or intermediate district complies with this section. If the district or intermediate district does not comply with this section by the end of the fiscal year, the department shall place the amount withheld in an escrow account until the district or intermediate district complies with this section.

(5) Before publishing a list of school or district accountability designations as required by the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95, and utilizing data that were certified as accurate and complete after districts and intermediate districts adhered to deadlines, data quality reviews, and correction processes leading to local certification of final student data in subsection (2), the department shall allow a school or district to appeal any calculation errors used in the preparation of accountability metrics. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

© Courtesy of www.legislature.mi.gov

(6) The department shall implement statewide standard reporting requirements for education data approved by the department in conjunction with the center. The department shall work with the center, intermediate districts, districts, and other interested stakeholders to implement this policy change. A district or intermediate district shall implement the statewide standard reporting requirements not later than 2017-2018 or when a district or intermediate district updates its education data reporting system, whichever is later.

History: Add. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2002, Act 191, Eff. Oct. 1, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 533, Eff. Apr. 9, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: For transfer of powers, duties, functions, and responsibilities of the department of education regarding educational reports to the center for educational performance and information by type II transfer, see E.R.O. No. 2000-6, compiled at MCL 388.996 of the Michigan compiled laws.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1619a Reports.

Sec. 19a. All of the following apply to reports required by the superintendent, department, or center to be submitted under this act:

(a) The superintendent, department, or center shall not require, or promulgate a rule requiring, a new report to be submitted unless state or federal law specifically requires or authorizes the report.

(b) The superintendent, department, or center shall not require, or promulgate a rule requiring, any modifications or additions to a report that, as of the effective date of this section, is already required to be submitted unless 1 or both of the following apply:

(*i*) State or federal law specifically requires or authorizes the modification or addition.

(*ii*) The modification or addition will reduce or eliminate a reporting requirement.

(c) If the superintendent, department, or center requires, or promulgates a rule requiring, a new report or additional information to be submitted under the conditions specified under subdivisions (a) and (b), the superintendent, department, or center shall ensure that the new report or additional information may be submitted electronically.

History: Add. 2016, Act 533, Eff. Apr. 9, 2017.

Compiler's note: Former MCL 388.1619a, which pertained to core curriculum, was repealed by Act 207 of 1990, Eff. Oct. 1, 1990.

Section 3 of Act 207 of 1990 purported to repeal MCL 388.1619a to 388.1619d. However, MCL 388.1619d, as added by Act 197 of 1989, did not take effect pursuant to the terms of subsection (3) of that section.

388.1619b Reports on efficacy and usefulness of certain programs; "reporting entity" defined.

Sec. 19b. (1) A reporting entity required to comply with this section shall provide reports to the house and senate appropriations subcommittees on school aid and the house and senate fiscal agencies on the efficacy and usefulness of the applicable program that comply with the following:

(a) For a program in its first year of funding, a reporting entity shall meet both of the following:

© Courtesy of www.legislature.mi.gov

(*i*) Provide a report no later than 3 months after receipt of funding for that fiscal year that includes all of the following:

(A) A plan describing the intended coverage area, including a plan for disseminating and promoting the program, along with a plan for expanding that coverage statewide as funding allows.

(B) Proposed measurements of outcomes and performance.

(*ii*) Provide a report no later than 3 months following the end of that fiscal year that includes all of the following:

(A) Actual numbers of students who participated in the program, including the number of districts where the program was implemented.

(B) Actual outcomes and performance based on measurements described in subdivision (a)(*i*)(B).

(C) Proposed amendments to benchmarks that may better indicate efficacy and usefulness.

(D) Rationale for continuing the program and plans to expand further outreach.

(b) For a program in its second or subsequent year of funding, a reporting entity shall meet both of the following:

(*i*) Provide a report no later than 3 months after receipt of funding for that fiscal year that includes all of the following:

(A) A plan describing the continued or expanded coverage area for the program, including a plan for how the program and its materials will be disseminated and promoted, and a discussion of expanding the coverage statewide.

(B) Proposed measurements of outcomes and performance, and how to increase performance compared to prior-year performance levels.

(*ii*) Provide a report no later than 3 months following the end of that fiscal year that includes all of the following:

(A) Actual numbers of students who participated in the program, including the number of districts where the program was implemented, and how those compare to prior-year figures.

(B) Actual outcomes and performance based on measurements described in subdivision (b)(*i*)(B).

(C) Proposed amendments to benchmarks that may better indicate efficacy and usefulness.

(D) Rationale for continuing the program and plans to expand further outreach.

(2) As used in this section, "reporting entity" means an entity required to comply with this section.

History: Add. 2017, Act 143, Imd. Eff. Nov. 2, 2017.

Compiler's note: Former MCL 388.1619b, which pertained to school improvement, was repealed by Act 207 of 1990, Eff. Oct. 1, 1990.

Section 3 of Act 207 of 1990 purported to repeal MCL 388.1619a to 388.1619d. However, MCL 388.1619d, as added by Act 197 of 1989, did not take effect pursuant to the terms of subsection (3) of that section.

388.1619c Repealed. 1990, Act 207, Eff. Oct. 1, 1990.

Compiler's note: Section 3 of Act 207 of 1990 purported to repeal MCL 388.1619a to 388.1619d. However, MCL 388.1619d, as added by Act 197 of 1989, did not take effect pursuant to the terms of subsection (3) of that section.

The repealed section pertained to standards for accreditation.

****** 388.1620 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1620.amended ******

388.1620 Target foundation allowance; calculations; allocations; pupil membership factor, revenue adjustment factor, and index; reduced foundation allowance or per-pupil payment calculation; definitions.

Sec. 20. (1) For 2020-2021, both of the following apply:

(a) The target foundation allowance is $8,529.00.

(b) The minimum foundation allowance is $8,111.00.

(2) The department shall calculate the amount of each district's foundation allowance as provided in this section, using a target foundation allowance in the amount specified in subsection (1).

(3) Except as otherwise provided in this section, the department shall calculate the amount of a district's foundation allowance as follows, using in all calculations the total amount of the district's foundation allowance as calculated before any proration:

(a) Except as otherwise provided in this subdivision, for a district that had a foundation allowance for the immediately preceding fiscal year that was at least equal to the minimum foundation allowance for the immediately preceding fiscal year, but less than the target foundation allowance for the immediately preceding fiscal year, the district receives a foundation allowance in an amount equal to the sum of the district's foundation allowance for the immediately preceding fiscal year plus the difference between twice the

© Courtesy of www.legislature.mi.gov

dollar amount of the adjustment from the immediately preceding fiscal year to the current fiscal year made in the target foundation allowance and [(the difference between the target foundation allowance for the current fiscal year and target foundation allowance for the immediately preceding fiscal year minus $40.00) times (the difference between the district's foundation allowance for the immediately preceding fiscal year and the minimum foundation allowance for the immediately preceding fiscal year) divided by the difference between the target foundation allowance for the current fiscal year and the minimum foundation allowance for the immediately preceding fiscal year.] However, the foundation allowance for a district that had less than the target foundation allowance for the immediately preceding fiscal year must not exceed the target foundation allowance for the current fiscal year.

(b) Except as otherwise provided in this subsection, for a district that in the immediately preceding fiscal year had a foundation allowance in an amount equal to the amount of the target foundation allowance for the immediately preceding fiscal year, the district receives a foundation allowance for 2020-2021 in an amount equal to the target foundation allowance for 2020-2021.

(c) For a district that had a foundation allowance for the immediately preceding fiscal year that was greater than the target foundation allowance for the immediately preceding fiscal year, the district's foundation allowance is an amount equal to the sum of the district's foundation allowance for the immediately preceding fiscal year plus the lesser of the increase in the target foundation allowance for the current fiscal year, as compared to the immediately preceding fiscal year, or the product of the district's foundation allowance for the immediately preceding fiscal year times the percentage increase in the United States Consumer Price Index in the calendar year ending in the immediately preceding fiscal year as reported by the May revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b.

(d) For a district that has a foundation allowance that is not a whole dollar amount, the department shall round the district's foundation allowance up to the nearest whole dollar.

(4) Except as otherwise provided in this subsection, beginning in 2014-2015, the state portion of a district's foundation allowance is an amount equal to the district's foundation allowance or the target foundation allowance for the current fiscal year, whichever is less, minus the local portion of the district's foundation allowance. For a district described in subsection (3)(c), beginning in 2014-2015, the state portion of the district's foundation allowance is an amount equal to $6,962.00 plus the difference between the district's foundation allowance for the current fiscal year and the district's foundation allowance for 1998-99, minus the local portion of the district's foundation allowance. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the department shall calculate the state portion of the district's foundation allowance as if that reduction did not occur. For a receiving district, if school operating taxes continue to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, the taxable value per membership pupil of property in the receiving district used for the purposes of this subsection does not include the taxable value of property within the geographic area of the dissolved district. For a community district, if school operating taxes continue to be levied by a qualifying school district under section 12b of the revised school code, MCL 380.12b, with the same geographic area as the community district, the taxable value per membership pupil of property in the community district to be used for the purposes of this subsection does not include the taxable value of property within the geographic area of the community district.

(5) The allocation calculated under this section for a pupil is based on the foundation allowance of the pupil's district of residence. For a pupil enrolled pursuant to section 105 or 105c in a district other than the pupil's district of residence, the allocation calculated under this section is based on the lesser of the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district. For a pupil in membership in a K-5, K-6, or K-8 district who is enrolled in another district in a grade not offered by the pupil's district of residence, the allocation calculated under this section is based on the foundation allowance of the educating district if the educating district's foundation allowance is greater than the foundation allowance of the pupil's district of residence.

(6) Except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the public school academy equal to the minimum foundation allowance specified in subsection (1). Notwithstanding section 101, for a public school academy that begins operations after the pupil membership count day, the amount per membership pupil calculated under this subsection must be adjusted by multiplying that amount per membership pupil by the number of hours of pupil instruction provided by the public school academy after it begins operations, as determined by the department, divided by the minimum number of hours of pupil instruction required under section 101(3). The

© Courtesy of www.legislature.mi.gov

result of this calculation must not exceed the amount per membership pupil otherwise calculated under this subsection.

(7) Except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a community district, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the community district equal to the foundation allowance of the qualifying school district, as described in section 12b of the revised school code, MCL 380.12b, that is located within the same geographic area as the community district.

(8) Subject to subsection (4), for a district that is formed or reconfigured after June 1, 2002 by consolidation of 2 or more districts or by annexation, the resulting district's foundation allowance under this section beginning after the effective date of the consolidation or annexation is the lesser of the sum of the average of the foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district who reside in the geographic area of each of the original or affected districts plus $100.00 or the highest foundation allowance among the original or affected districts. This subsection does not apply to a receiving district unless there is a subsequent consolidation or annexation that affects the district.

(9) The department shall round each fraction used in making calculations under this section to the fourth decimal place and shall round the dollar amount of an increase in the target foundation allowance to the nearest whole dollar.

(10) State payments related to payment of the foundation allowance for a special education pupil are not calculated under this section but are instead calculated under section 51a.

(11) To assist the legislature in determining the target foundation allowance for the subsequent fiscal year, each revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, must calculate a pupil membership factor, a revenue adjustment factor, and an index as follows:

(a) The pupil membership factor is computed by dividing the estimated membership in the school year ending in the current fiscal year, excluding intermediate district membership, by the estimated membership for the school year ending in the subsequent fiscal year, excluding intermediate district membership. If a consensus membership factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(b) The revenue adjustment factor is computed by dividing the sum of the estimated total state school aid fund revenue for the subsequent fiscal year plus the estimated total state school aid fund revenue for the current fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund and excluding money transferred into that fund from the countercyclical budget and economic stabilization fund under the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, by the sum of the estimated total school aid fund revenue for the current fiscal year plus the estimated total state school aid fund revenue for the immediately preceding fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund. If a consensus revenue factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for state school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(c) The index is calculated by multiplying the pupil membership factor by the revenue adjustment factor. If a consensus index is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for state school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(12) Payments to districts and public school academies are not made under this section. Rather, the calculations under this section are used to determine the amount of state payments under section 22b.

(13) If an amendment to section 2 of article VIII of the state constitution of 1963 allowing state aid to some or all nonpublic schools is approved by the voters of this state, each foundation allowance or per-pupil payment calculation under this section may be reduced.

(14) As used in this section:

(a) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(b) "Combined state and local revenue" means the aggregate of the district's state school aid received by or paid on behalf of the district under this section and the district's local school operating revenue.

(c) "Combined state and local revenue per membership pupil" means the district's combined state and local revenue divided by the district's membership excluding special education pupils.

(d) "Current fiscal year" means the fiscal year for which a particular calculation is made.

© Courtesy of www.legislature.mi.gov

(e) "Dissolved district" means a district that loses its organization, has its territory attached to 1 or more other districts, and is dissolved as provided under section 12 of the revised school code, MCL 380.12.

(f) "Immediately preceding fiscal year" means the fiscal year immediately preceding the current fiscal year.

(g) "Local portion of the district's foundation allowance" means an amount that is equal to the difference between (the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills) and (the quotient of the product of the captured assessed valuation under tax increment financing acts times the district's certified mills divided by the district's membership excluding special education pupils).

(h) "Local school operating revenue" means school operating taxes levied under section 1211 of the revised school code, MCL 380.1211. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, local school operating revenue does not include school operating taxes levied within the geographic area of the dissolved district.

(i) "Local school operating revenue per membership pupil" means a district's local school operating revenue divided by the district's membership excluding special education pupils.

(j) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(k) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, or property occupied by a public school academy.

(*l*) "Principal residence", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(m) "Receiving district" means a district to which all or part of the territory of a dissolved district is attached under section 12 of the revised school code, MCL 380.12.

(n) "School operating purposes" means the purposes included in the operation costs of the district as prescribed in sections 7 and 18 and purposes authorized under section 1211 of the revised school code, MCL 380.1211.

(o) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes.

(p) "Tax increment financing acts" means parts 2, 3, 4, and 6 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4420 and 125.4602 to 125.4629, or the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670.

(q) "Taxable value per membership pupil" means taxable value, as certified by the county treasurer and reported to the department, for the calendar year ending in the current state fiscal year divided by the district's membership excluding special education pupils for the school year ending in the current state fiscal year.

History: Add. 1993, Act 336, Eff. Mar. 15, 1994;—Am. 1994, Act 172, Imd. Eff. June 17, 1994;—Am. 1994, Act 283, Imd. Eff. July 12, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 141, Eff. Jan. 1, 2004;—Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 120, Imd. Eff. Apr. 14, 2006;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2008, Act 561, Imd. Eff. Jan. 16, 2009;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 97, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The words “1/3 of” in subsection (20)(a)(*i*)(Q), as amended by Act 283 of 1994, were vetoed by the governor on July 9, 1994.

The last sentence of subsection (9), and subsections (18) and (19), as amended by Act 360 of 1994, were vetoed by the governor on December 22, 1994.

Subsection (11), as amended by Act 130 of 1995, was vetoed by the governor on June 30, 1995.

© Courtesy of www.legislature.mi.gov

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Subsection (20), as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003. The text of subsection (20) set forth above in this section (MCL 388.1620) derives from Act 141 of 2003. In the veto message accompanying her veto of certain items in Enrolled House Bill 4401 (Act 158 of 2003), the governor stated, "I have vetoed amendatory language in Section 20(20) that stops the annual $15 million supplemental payment to Detroit Public Schools at the end of fiscal year 2003. Existing language clearly indicates that this supplemental funding is intended to continue as long as the reform board remains in place. I intend to honor that commitment."

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Subsection (25), as amended by Act 110 of 2010, was vetoed by the governor on July 7, 2010.

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

In subsection (15)(j), as amended by Act 58 of 2019, the following phrases "as calculated by adding the highest per-pupil allocation" and "plus the difference between twice the amount of the difference between the target foundation allowance for the current fiscal year and the target foundation allowance for the immediately preceding fiscal year and [(the amount of the difference between the target foundation allowance for the current fiscal year and the target foundation allowance for the immediately preceding fiscal year minus $40.00) times (the difference between the highest per-pupil allocation among all public school academies for the immediately preceding fiscal year and the minimum foundation allowance for the immediately preceding fiscal year) divided by the difference between the target foundation allowance for the current fiscal year and the minimum foundation allowance for the immediately preceding fiscal year.] For the purposes of this subdivision, for 2019-2020, the maximum public school academy allocation is $8,111.00." were vetoed by the governor on September 30, 2019.

****** 388.1620.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1620.amended Target foundation allowance; calculations; allocations; pupil membership factor, revenue adjustment factor, and index; reduced foundation allowance or per-pupil payment calculation; definitions.

Sec. 20. (1) For 2021-2022, both of the following apply:

(a) The target foundation allowance is $8,700.00.

(b) The minimum foundation allowance is $8,700.00.

(2) The department shall calculate the amount of each district's foundation allowance as provided in this section, using a target foundation allowance in the amount specified in subsection (1).

(3) Except as otherwise provided in this section, the department shall calculate the amount of a district's foundation allowance as follows, using in all calculations the total amount of the district's foundation allowance as calculated before any proration:

© Courtesy of www.legislature.mi.gov

(a) Except as otherwise provided in this subdivision, except for 2021-2022, for a district that had a foundation allowance for the immediately preceding fiscal year that was at least equal to the minimum foundation allowance for the immediately preceding fiscal year, but less than the target foundation allowance for the immediately preceding fiscal year, the district receives a foundation allowance in an amount equal to the sum of the district's foundation allowance for the immediately preceding fiscal year plus the difference between twice the dollar amount of the adjustment from the immediately preceding fiscal year to the current fiscal year made in the target foundation allowance and [(the difference between the target foundation allowance for the current fiscal year and target foundation allowance for the immediately preceding fiscal year minus $40.00) times (the difference between the district's foundation allowance for the immediately preceding fiscal year and the minimum foundation allowance for the immediately preceding fiscal year) divided by the difference between the target foundation allowance for the current fiscal year and the minimum foundation allowance for the immediately preceding fiscal year.] The foundation allowance for a district that had less than the target foundation allowance for the immediately preceding fiscal year must not exceed the target foundation allowance for the current fiscal year. For 2021-2022, for a district that had a foundation allowance for the immediately preceding fiscal year that was at least equal to the minimum foundation allowance for the immediately preceding fiscal year, but less than the target foundation allowance for the immediately preceding fiscal year, the district's foundation allowance is $8,700.00.

(b) Except as otherwise provided in this subsection, for a district that in the immediately preceding fiscal year had a foundation allowance in an amount equal to the amount of the target foundation allowance for the immediately preceding fiscal year, the district receives a foundation allowance for 2021-2022 in an amount equal to the target foundation allowance for 2021-2022.

(c) For a district that had a foundation allowance for the immediately preceding fiscal year that was greater than the target foundation allowance for the immediately preceding fiscal year, the district's foundation allowance is an amount equal to the sum of the district's foundation allowance for the immediately preceding fiscal year plus the lesser of the increase in the target foundation allowance for the current fiscal year, as compared to the immediately preceding fiscal year, or the product of the district's foundation allowance for the immediately preceding fiscal year times the percentage increase in the United States Consumer Price Index in the calendar year ending in the immediately preceding fiscal year as reported by the May revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b.

(d) For a district that has a foundation allowance that is not a whole dollar amount, the department shall round the district's foundation allowance up to the nearest whole dollar.

(4) Except as otherwise provided in this subsection, beginning in 2021-2022, the state portion of a district's foundation allowance is an amount equal to the district's foundation allowance or the target foundation allowance for the current fiscal year, whichever is less, minus the local portion of the district's foundation allowance. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the department shall calculate the state portion of the district's foundation allowance as if that reduction did not occur. For a receiving district, if school operating taxes continue to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, the taxable value per membership pupil of property in the receiving district used for the purposes of this subsection does not include the taxable value of property within the geographic area of the dissolved district. For a community district, if school operating taxes continue to be levied by a qualifying school district under section 12b of the revised school code, MCL 380.12b, with the same geographic area as the community district, the taxable value per membership pupil of property in the community district to be used for the purposes of this subsection does not include the taxable value of property within the geographic area of the community district.

(5) The allocation calculated under this section for a pupil is based on the foundation allowance of the pupil's district of residence. For a pupil enrolled under section 105 or 105c in a district other than the pupil's district of residence, the allocation calculated under this section is based on the lesser of the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district. For a pupil in membership in a K-5, K-6, or K-8 district who is enrolled in another district in a grade not offered by the pupil's district of residence, the allocation calculated under this section is based on the foundation allowance of the educating district if the educating district's foundation allowance is greater than the foundation allowance of the pupil's district of residence. The calculation under this subsection must take into account a district's per-pupil allocation under section 20m.

(6) Except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy, the allocation calculated under this section is an amount per membership

© Courtesy of www.legislature.mi.gov

pupil other than special education pupils in the public school academy equal to the minimum foundation allowance specified in subsection (1). Notwithstanding section 101, for a public school academy that begins operations after the pupil membership count day, the amount per membership pupil calculated under this subsection must be adjusted by multiplying that amount per membership pupil by the number of hours of pupil instruction provided by the public school academy after it begins operations, as determined by the department, divided by the minimum number of hours of pupil instruction required under section 101(3). The result of this calculation must not exceed the amount per membership pupil otherwise calculated under this subsection.

(7) For pupils in membership, other than special education pupils, in a community district, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the community district equal to the foundation allowance of the qualifying school district, as described in section 12b of the revised school code, MCL 380.12b, that is located within the same geographic area as the community district.

(8) Subject to subsection (4), for a district that is formed or reconfigured after June 1, 2002 by consolidation of 2 or more districts or by annexation, the resulting district's foundation allowance under this section beginning after the effective date of the consolidation or annexation is the lesser of the sum of the average of the foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district who reside in the geographic area of each of the original or affected districts plus $100.00 or the highest foundation allowance among the original or affected districts. This subsection does not apply to a receiving district unless there is a subsequent consolidation or annexation that affects the district. The calculation under this subsection must take into account a district's per-pupil allocation under section 20m.

(9) The department shall round each fraction used in making calculations under this section to the fourth decimal place and shall round the dollar amount of an increase in the target foundation allowance to the nearest whole dollar.

(10) State payments related to payment of the foundation allowance for a special education pupil are not calculated under this section but are instead calculated under section 51a.

(11) To assist the legislature in determining the target foundation allowance for the subsequent fiscal year, each revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, must calculate a pupil membership factor, a revenue adjustment factor, and an index as follows:

(a) The pupil membership factor is computed by dividing the estimated membership in the school year ending in the current fiscal year, excluding intermediate district membership, by the estimated membership for the school year ending in the subsequent fiscal year, excluding intermediate district membership. If a consensus membership factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(b) The revenue adjustment factor is computed by dividing the sum of the estimated total state school aid fund revenue for the subsequent fiscal year plus the estimated total state school aid fund revenue for the current fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund and excluding money transferred into that fund from the countercyclical budget and economic stabilization fund under the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, by the sum of the estimated total school aid fund revenue for the current fiscal year plus the estimated total state school aid fund revenue for the immediately preceding fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund. If a consensus revenue factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(c) The index is calculated by multiplying the pupil membership factor by the revenue adjustment factor. If a consensus index is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for state school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(12) Payments to districts and public school academies are not made under this section. Rather, the calculations under this section are used to determine the amount of state payments under section 22b.

(13) If an amendment to section 2 of article VIII of the state constitution of 1963 allowing state aid to some or all nonpublic schools is approved by the voters of this state, each foundation allowance or per-pupil payment calculation under this section may be reduced.

(14) As used in this section:

© Courtesy of www.legislature.mi.gov

(a) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(b) "Combined state and local revenue" means the aggregate of the district's state school aid received by or paid on behalf of the district under this section and the district's local school operating revenue.

(c) "Combined state and local revenue per membership pupil" means the district's combined state and local revenue divided by the district's membership excluding special education pupils.

(d) "Current fiscal year" means the fiscal year for which a particular calculation is made.

(e) "Dissolved district" means a district that loses its organization, has its territory attached to 1 or more other districts, and is dissolved as provided under section 12 of the revised school code, MCL 380.12.

(f) "Immediately preceding fiscal year" means the fiscal year immediately preceding the current fiscal year.

(g) "Local portion of the district's foundation allowance" means an amount that is equal to the difference between (the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills) and (the quotient of the product of the captured assessed valuation under tax increment financing acts times the district's certified mills divided by the district's membership excluding special education pupils).

(h) "Local school operating revenue" means school operating taxes levied under section 1211 of the revised school code, MCL 380.1211. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, local school operating revenue does not include school operating taxes levied within the geographic area of the dissolved district.

(i) "Local school operating revenue per membership pupil" means a district's local school operating revenue divided by the district's membership excluding special education pupils.

(j) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(k) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, or property occupied by a public school academy.

(*l*) "Principal residence", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(m) "Receiving district" means a district to which all or part of the territory of a dissolved district is attached under section 12 of the revised school code, MCL 380.12.

(n) "School operating purposes" means the purposes included in the operation costs of the district as prescribed in sections 7 and 18 and purposes authorized under section 1211 of the revised school code, MCL 380.1211.

(o) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes.

(p) "Tax increment financing acts" means parts 2, 3, 4, and 6 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4420 and 125.4602 to 125.4629, or the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670.

(q) "Taxable value per membership pupil" means taxable value, as certified by the county treasurer and reported to the department, for the calendar year ending in the current state fiscal year divided by the district's membership excluding special education pupils for the school year ending in the current state fiscal year.

History: Add. 1993, Act 336, Eff. Mar. 15, 1994;—Am. 1994, Act 172, Imd. Eff. June 17, 1994;—Am. 1994, Act 283, Imd. Eff. July 12, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 141, Eff. Jan. 1, 2004;—Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 120, Imd. Eff. Apr. 14, 2006;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2008, Act 561, Imd. Eff. Jan. 16, 2009;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 97, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff.

© Courtesy of www.legislature.mi.gov

Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The words "1/3 of" in subsection (20)(a)(*i*)(Q), as amended by Act 283 of 1994, were vetoed by the governor on July 9, 1994.

The last sentence of subsection (9), and subsections (18) and (19), as amended by Act 360 of 1994, were vetoed by the governor on December 22, 1994.

Subsection (11), as amended by Act 130 of 1995, was vetoed by the governor on June 30, 1995.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Subsection (20), as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003. The text of subsection (20) set forth above in this section (MCL 388.1620) derives from Act 141 of 2003. In the veto message accompanying her veto of certain items in Enrolled House Bill 4401 (Act 158 of 2003), the governor stated, "I have vetoed amendatory language in Section 20(20) that stops the annual $15 million supplemental payment to Detroit Public Schools at the end of fiscal year 2003. Existing language clearly indicates that this supplemental funding is intended to continue as long as the reform board remains in place. I intend to honor that commitment."

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Subsection (25), as amended by Act 110 of 2010, was vetoed by the governor on July 7, 2010.

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

In subsection (15)(j), as amended by Act 58 of 2019, the following phrases "as calculated by adding the highest per-pupil allocation" and "plus the difference between twice the amount of the difference between the target foundation allowance for the current fiscal year and the target foundation allowance for the immediately preceding fiscal year and [(the amount of the difference between the target foundation allowance for the current fiscal year and the target foundation allowance for the immediately preceding fiscal year minus $40.00) times (the difference between the highest per-pupil allocation among all public school academies for the immediately preceding fiscal year and the minimum foundation allowance for the immediately preceding fiscal year) divided by the difference between the target foundation allowance for the current fiscal year and the minimum foundation allowance for the immediately preceding fiscal year.] For the purposes of this subdivision, for 2019-2020, the maximum public school academy allocation is $8,111.00." were vetoed by the governor on September 30, 2019.

388.1620a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to determination of district's combined state and local revenue per membership pupil.

388.1620b Repealed. 2000, Act 297, Eff. Oct. 1, 2000.

Compiler's note: The repealed section pertained to allocation for 1998-99.

© Courtesy of www.legislature.mi.gov

388.1620c Repealed. 1997, Act 142, Imd. Eff. Nov. 19, 1997.

Compiler's note: The repealed section pertained to additional payments to districts and public school academies for 1997-98.

****** 388.1620d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1620d.amended ******

388.1620d Requirements for final determination under MCL 388.1620 and former section 388.1620a.

Sec. 20d. In making the final determination required under former section 20a of a district's combined state and local revenue per membership pupil in 1993-94 and in making calculations under section 20 for 2020-2021, the department and the department of treasury shall comply with all of the following:

(a) For a district that had combined state and local revenue per membership pupil in the 1994-95 fiscal year of $6,500.00 or more and served as a fiscal agent for a state board designated area vocational education center in the 1993-94 school year, total state school aid received by or paid on behalf of the district under this act in 1993-94 excludes payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services to the area vocational education center. Not later than June 30, 1996, the department shall make an adjustment under this subdivision to the district's combined state and local revenue per membership pupil in the 1994-95 fiscal year and the department of treasury shall make a final certification of the number of mills that may be levied by the district under section 1211 of the revised school code, MCL 380.1211, as a result of the adjustment under this subdivision.

(b) If a district had an adjustment made to its 1993-94 total state school aid that excluded payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services for intermediate district center programs operated by the district under sections 51 to 56, if nonresident pupils attending the center programs were included in the district's membership for purposes of calculating the combined state and local revenue per membership pupil for 1993-94, and if there is a signed agreement by all constituent districts of the intermediate district agreeing to an adjustment under this subdivision, the department shall calculate the foundation allowances for 1995-96 and 1996-97 of all districts that had pupils attending the intermediate district center program operated by the district that had the adjustment as if their combined state and local revenue per membership pupil for 1993-94 included resident pupils attending the center program and excluded nonresident pupils attending the center program.

History: Add. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Imd. Eff. June 30, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Imd. Eff. June 19, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Subsection (2), as amended by Act 300 of 1996, was vetoed by the governor on June 19, 1996.

Sec. 20d, as amended by Act 372 of 1996, was vetoed by the governor on July 3, 1996.

Subdivision (c), as amended by Act 93 of 1997, was vetoed by the governor on August 1, 1997.

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1620d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1620d.amended Requirements for final determination under MCL 388.1620 and former section 388.1620a.

Sec. 20d. In making the final determination required under former section 20a of a district's combined state and local revenue per membership pupil in 1993-94 and in making calculations under section 20 for 2021-2022, the department and the department of treasury shall comply with all of the following:

(a) For a district that had combined state and local revenue per membership pupil in the 1994-95 fiscal year of $6,500.00 or more and served as a fiscal agent for a state board designated area vocational education center in the 1993-94 school year, total state school aid received by or paid on behalf of the district under this act in 1993-94 excludes payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services to the area vocational education center. Not later than June 30, 1996,

© Courtesy of www.legislature.mi.gov

the department shall make an adjustment under this subdivision to the district's combined state and local revenue per membership pupil in the 1994-95 fiscal year and the department of treasury shall make a final certification of the number of mills that may be levied by the district under section 1211 of the revised school code, MCL 380.1211, as a result of the adjustment under this subdivision.

(b) If a district had an adjustment made to its 1993-94 total state school aid that excluded payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services for intermediate district center programs operated by the district under former section 51 and sections 51a to 56, if nonresident pupils attending the center programs were included in the district's membership for purposes of calculating the combined state and local revenue per membership pupil for 1993-94, and if there is a signed agreement by all constituent districts of the intermediate district agreeing to an adjustment under this subdivision, the department shall calculate the foundation allowances for 1995-96 and 1996-97 of all districts that had pupils attending the intermediate district center program operated by the district that had the adjustment as if their combined state and local revenue per membership pupil for 1993-94 included resident pupils attending the center program and excluded nonresident pupils attending the center program.

History: Add. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Imd. Eff. June 30, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Imd. Eff. June 19, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Subsection (2), as amended by Act 300 of 1996, was vetoed by the governor on June 19, 1996.

Sec. 20d, as amended by Act 372 of 1996, was vetoed by the governor on July 3, 1996.

Subdivision (c), as amended by Act 93 of 1997, was vetoed by the governor on August 1, 1997.

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1620e Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to state portion of district's foundation allowance.

****** 388.1620f THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1620f.amended ******

388.1620f Allocations; eligibility for funding; amount; proration of payments.

Sec. 20f. (1) From the funds appropriated in section 11, there is allocated an amount not to exceed $18,000,000.00 for 2020-2021 for payments to eligible districts under this section.

(2) The funding under this subsection is from the allocation under subsection (1). A district is eligible for funding under this subsection if the district received a payment under this section as it was in effect for 2013-2014. A district was eligible for funding in 2013-2014 if the sum of the following was less than $5.00:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2012-2013 to 2013-2014.

(b) The district's equity payment per membership pupil under former section 22c for 2013-2014.

(c) The quotient of the district's allocation under section 147a for 2012-2013 divided by the district's membership pupils for 2012-2013 minus the quotient of the district's allocation under section 147a for 2013-2014 divided by the district's membership pupils for 2013-2014.

(3) The amount allocated to each eligible district under subsection (2) is an amount per membership pupil equal to the amount per membership pupil the district received under this section in 2013-2014.

(4) The funding under this subsection is from the allocation under subsection (1). A district is eligible for funding under this subsection if the sum of the following is less than $25.00:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2014-2015 to 2015-2016.

(b) The decrease in the district's best practices per-pupil funding under former section 22f from 2014-2015 to 2015-2016.

(c) The decrease in the district's pupil performance per-pupil funding under former section 22j from 2014-2015 to 2015-2016.

© Courtesy of www.legislature.mi.gov

(d) The quotient of the district's allocation under section 31a for 2015-2016 divided by the district's membership pupils for 2015-2016 minus the quotient of the district's allocation under section 31a for 2014-2015 divided by the district's membership pupils for 2014-2015.

(5) The amount allocated to each eligible district under subsection (4) is an amount per membership pupil equal to $25.00 minus the sum of the following:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2014-2015 to 2015-2016.

(b) The decrease in the district's best practices per-pupil funding under former section 22f from 2014-2015 to 2015-2016.

(c) The decrease in the district's pupil performance per-pupil funding under former section 22j from 2014-2015 to 2015-2016.

(d) The quotient of the district's allocation under section 31a for 2015-2016 divided by the district's membership pupils for 2015-2016 minus the quotient of the district's allocation under section 31a for 2014-2015 divided by the district's membership pupils for 2014-2015.

(6) If the allocation under subsection (1) is insufficient to fully fund payments under subsections (3) and (5) as otherwise calculated under this section, the department shall prorate payments under this section on an equal per-pupil basis.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1620f, which pertained to allocation to instructional program operated by public university was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

****** 388.1620f.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1620f.amended Allocations; eligibility for funding; amount; proration of payments.

Sec. 20f. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $18,000,000.00 for 2021-2022 for payments to eligible districts under this section.

(2) The funding under this subsection is from the allocation under subsection (1). A district is eligible for funding under this subsection if the district received a payment under this section as it was in effect for 2013-2014. A district was eligible for funding in 2013-2014 if the sum of the following was less than $5.00:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2012-2013 to 2013-2014.

(b) The district's equity payment per membership pupil under former section 22c for 2013-2014.

(c) The quotient of the district's allocation under section 147a for 2012-2013 divided by the district's membership pupils for 2012-2013 minus the quotient of the district's allocation under section 147a for 2013-2014 divided by the district's membership pupils for 2013-2014.

(3) The amount allocated to each eligible district under subsection (2) is an amount per membership pupil equal to the amount per membership pupil the district received under this section in 2013-2014.

(4) The funding under this subsection is from the allocation under subsection (1). A district is eligible for funding under this subsection if the sum of the following is less than $25.00:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2014-2015 to 2015-2016.

(b) The decrease in the district's best practices per-pupil funding under former section 22f from 2014-2015 to 2015-2016.

(c) The decrease in the district's pupil performance per-pupil funding under former section 22j from 2014-2015 to 2015-2016.

(d) The quotient of the district's allocation under section 31a for 2015-2016 divided by the district's membership pupils for 2015-2016 minus the quotient of the district's allocation under section 31a for 2014-2015 divided by the district's membership pupils for 2014-2015.

(5) The amount allocated to each eligible district under subsection (4) is an amount per membership pupil equal to $25.00 minus the sum of the following:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2014-2015 to 2015-2016.

(b) The decrease in the district's best practices per-pupil funding under former section 22f from 2014-2015 to 2015-2016.

(c) The decrease in the district's pupil performance per-pupil funding under former section 22j from 2014-2015 to 2015-2016.

© Courtesy of www.legislature.mi.gov

(d) The quotient of the district's allocation under section 31a for 2015-2016 divided by the district's membership pupils for 2015-2016 minus the quotient of the district's allocation under section 31a for 2014-2015 divided by the district's membership pupils for 2014-2015.

(6) If the allocation under subsection (1) is insufficient to fully fund payments under subsections (3) and (5) as otherwise calculated under this section, the department shall prorate payments under this section on an equal per-pupil basis.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1620f, which pertained to allocation to instructional program operated by public university was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

388.1620g Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's note: The repealed section pertained to transition costs relating to pupils enrolled in dissolved district.

388.1620j, 388.1620k Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed sections pertained to foundation allowance supplemental payments and reduction in district's state school aid.

388.1620h, 388.1620i Repealed. 1997, Act 93, Eff. Oct. 1, 1997.

Compiler's note: The repealed sections pertained to payments for special education pupils for 1995-96 and funding for districts experiencing large pupil membership growth.

****** 388.1620m.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1620m.added Foundation allowance supplemental payments; per-pupil allocation; calculations; "qualifying district" defined.

Sec. 20m. (1) Foundation allowance supplemental payments for the current fiscal year to districts that in the immediately preceding fiscal year had a foundation allowance greater than the target foundation allowance must be calculated under this section.

(2) The per-pupil allocation to each district under this section is the difference between the dollar amount of the adjustment from the immediately preceding fiscal year to the current fiscal year in the target foundation allowance minus the dollar amount of the adjustment from the immediately preceding fiscal year to the current fiscal year in a qualifying district's foundation allowance.

(3) If a district's local revenue per pupil does not exceed the sum of its foundation allowance under section 20 plus the per-pupil allocation under subsection (2), the total payment to the district calculated under this section is the product of the per-pupil allocation under subsection (2) multiplied by the district's membership, excluding special education pupils. If a district's local revenue per pupil exceeds the foundation allowance under section 20 but does not exceed the sum of the foundation allowance under section 20 plus the per-pupil allocation under subsection (2), the total payment to the district calculated under this section is the product of the difference between the sum of the foundation allowance under section 20 plus the per-pupil allocation under subsection (2) minus the local revenue per pupil multiplied by the district's membership, excluding special education pupils. If a district's local revenue per pupil exceeds the sum of the foundation allowance under section 20 plus the per-pupil allocation under subsection (2), there is no payment calculated under this section for the district.

(4) Payments to districts must not be made under this section. Rather, the calculations under this section are used to determine the amount of state payments that are made under section 22b.

(5) As used in this section, "qualifying district" means a district where the millage limitation in section 1211(3) of the revised school code, MCL 380.1211, is applied due to the increase in the target foundation allowance from the immediately preceding fiscal year to the current fiscal year exceeding the percentage increase in the general price level in the immediately preceding calendar year applied to the district's immediately preceding fiscal year foundation allowance.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The repealed section pertained to supplemental foundation allowances to certain districts.

Former MCL 388.1620m which pertained to supplemental foundation allowances to certain districts was repealed by Act 58 of 2019, Eff. Oct. 1, 2019.

388.1621 Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's note: The repealed section pertained to districts identified as among lowest achieving 5% of public schools.

© Courtesy of www.legislature.mi.gov

388.1621a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to school improvement plans, annual education report, accreditation, and core curriculum; employability skills assessment programs.

388.1621b Support for pupil attending postsecondary institution.

Sec. 21b. (1) Subject to subsections (2) and (3), a district shall use funds received under section 22a or 22b to support the attendance of a district pupil who is an eligible student at an eligible postsecondary institution under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or under the career and technical preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, by paying eligible charges on behalf of the district pupil as required under those acts.

(2) A district is not required to pay transportation costs, parking costs, or activity fees on behalf of an eligible student for attendance at an eligible postsecondary institution as described in subsection (1).

(3) A district may pay more money to an eligible postsecondary institution on behalf of an eligible student than required under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or the career and technical preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, and may use local school operating revenue for that purpose. An eligible student is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment that exceed the amount the district is required to pay under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or the career and technical preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, and that are not paid by the district. As used in this subsection, "local school operating revenue" means that term as defined in section 20.

(4) As used in this section, "eligible student" and "eligible postsecondary institution" mean those terms as defined in section 3 of the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or in section 3 of the career and technical preparation act, 2000 PA 258, MCL 388.1903, as applicable.

History: Add. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Imd. Eff. July 12, 1994;—Am. 1996, Act 161, Eff. July 1, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

388.1621c Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to counting certain funds and payments for purposes of MCL 388.1621(5).

388.1621d Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to reorganization planning grant.

388.1621e Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to allocations to districts.

****** 388.1621f THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1621f.amended ******

388.1621f Virtual courses; definitions; applicability to pandemic learning.

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

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

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

© Courtesy of www.legislature.mi.gov

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

© Courtesy of www.legislature.mi.gov

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

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

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

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

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

(10) Except as otherwise provided under subsection (15), for a pupil enrolled in 1 or more virtual courses, the primary district shall use foundation allowance or per-pupil funds calculated under section 20 to pay for the expenses associated with the virtual course or courses. Except as otherwise provided under subsection (15), a primary district is not required to pay toward the cost of a virtual course an amount that exceeds 6.67% of the minimum foundation allowance for the current fiscal year as calculated under section 20.

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

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

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

(14) As used in this section:

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

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

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

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

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

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

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

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

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

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

(f) "Virtual course" means a course of study that is capable of generating a credit or a grade and that is provided in an interactive learning environment where the majority of the curriculum is delivered using the

© Courtesy of www.legislature.mi.gov

internet and in which pupils may be separated from their instructor or teacher of record by time or location, or both.

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

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

(*ii*) The virtual course content outline.

(*iii*) The virtual course required assessments.

(*iv*) The virtual course prerequisites.

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

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

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

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

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

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

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

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

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

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

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2020, Act 147, Imd. Eff. Aug. 20, 2020;—Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021.

Compiler's note: Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

****** 388.1621f.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1621f.amended Virtual courses; primary district; requirements; denial of enrollment; appeal; rights and access to technology; definitions.

Sec. 21f. (1) A primary district shall enroll an eligible pupil in virtual courses in accordance with the provisions of this section. A primary district shall not offer a virtual course to an eligible pupil unless the virtual course is published in the primary district's catalog of board-approved courses or in the statewide catalog of virtual courses maintained by the Michigan Virtual University pursuant to section 98. The primary district shall also provide on its publicly accessible website a link to the statewide catalog of virtual courses maintained by the Michigan Virtual University. Unless the pupil is at least age 18 or is an emancipated minor, a pupil must not be enrolled in a virtual course without the consent of the pupil's parent or legal guardian.

(2) Subject to subsection (3), a primary district shall enroll an eligible pupil in up to 2 virtual courses as requested by the pupil during an academic term, semester, or trimester.

(3) A pupil may be enrolled in more than 2 virtual courses in a specific academic term, semester, or trimester if all of the following conditions are met:

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

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

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

(4) If the number of applicants eligible for acceptance in a virtual course does not exceed the capacity of the provider to provide the virtual course, the provider shall accept for enrollment all of the applicants eligible for acceptance. If the number of applicants exceeds the provider's capacity to provide the virtual course, the

© Courtesy of www.legislature.mi.gov

provider shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders. A primary district that is also a provider shall determine whether or not it has the capacity to accept applications for enrollment from nonresident applicants in virtual courses and may use that limit as the reason for refusal to enroll a nonresident applicant.

(5) A primary district may not establish additional requirements beyond those specified in this subsection that would prohibit a pupil from taking a virtual course. A pupil's primary district may deny the pupil enrollment in a virtual course if any of the following apply, as determined by the district:

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

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

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

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

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

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

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

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

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

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

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

(7) To provide a virtual course to an eligible pupil under this section, a provider must do all of the following:

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

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

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

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

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

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

(8) To provide a virtual course under this section, a community college shall ensure that each virtual course it provides under this section generates postsecondary credit.

© Courtesy of www.legislature.mi.gov

(9) For any virtual course a pupil enrolls in under this section, the pupil's primary district must assign to the pupil a mentor and shall supply the provider with the mentor's contact information.

(10) For a pupil enrolled in 1 or more virtual courses, the primary district shall use foundation allowance or per-pupil funds calculated under section 20 to pay for the expenses associated with the virtual course or courses. A primary district is not required to pay toward the cost of a virtual course an amount that exceeds 6.67% of the minimum foundation allowance for the current fiscal year as calculated under section 20.

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

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

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

(14) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

(*ii*) The virtual course content outline.

(*iii*) The virtual course required assessments.

(*iv*) The virtual course prerequisites.

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

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

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

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

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

(*x*) The course titles assigned by the provider and the course titles and course codes from the National

© Courtesy of www.legislature.mi.gov

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

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

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

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

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2020, Act 147, Imd. Eff. Aug. 20, 2020;—Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1621g Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's note: The repealed section pertained to grant to public-private partnership to develop and pilot competency-based transcript and marketplace.

****** 388.1621h THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1621h.amended ******

388.1621h District assigned to partnership or a community engagement advisory committee to improve student achievement and district financial stability; eligibility for funding; approval of an academic and financial operating or intervention plan; allocation and use of funds; funds for data analytics tool; report.

Sec. 21h. (1) From the appropriation in section 11, there is allocated $6,137,400.00 for 2020-2021 for assisting districts assigned by the superintendent to participate in a partnership and districts that have established a community engagement advisory committee in partnership with the department of treasury, are required to submit a deficit elimination plan or an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and are located in a city with a population between 9,000 and 11,000 that is in a county with a population between 155,000 and 160,000 to improve student achievement and district financial stability. The superintendent shall collaborate with the state treasurer to identify any conditions that may be contributing to low academic performance within a district being considered for assignment to a partnership. The purpose of the partnership is to identify district needs, develop intervention plans, and partner with public, private, and nonprofit organizations to coordinate resources and improve student achievement. Assignment of a district to a partnership is made by the superintendent in consultation with the state treasurer.

(2) A district described in subsection (1) is eligible for funding under this section if the district includes at least 1 school that has been identified as low performing under the approved federal accountability system or the state accountability system. A district described in this subsection must do all of the following to be eligible for funding under this section:

(a) For a partnership district under this section, within 90 days of assignment to the partnership described in this section, and for a district described in subsection (1) that is not a partnership district under this section, by October 15 of each year, complete a comprehensive needs assessment or evaluation in collaboration with an intermediate district, community members, education organizations, and postsecondary institutions, as applicable, that is approved by the superintendent. The comprehensive needs assessment or evaluation must include at least all of the following:

(*i*) A review of the district's implementation and utilization of a multi-tiered system of supports to ensure that it is used to appropriately inform instruction.

(*ii*) A review of the district and school building leadership and educator capacity to substantially improve student outcomes.

(*iii*) A review of classroom, instructional, and operational practices and curriculum to ensure alignment with research-based instructional practices and state curriculum standards.

(b) Develop an academic and financial operating or intervention plan that has been approved by the superintendent and that addresses the needs identified in the comprehensive needs assessment or evaluation

© Courtesy of www.legislature.mi.gov

completed under subdivision (a). The intervention plan must include at least all of the following:

(*i*) Specific actions that will be taken by the district and each of its partners to improve student achievement.

(*ii*) Specific measurable benchmarks that will be met within 18 months to improve student achievement and identification of expected student achievement outcomes to be attained within 3 years after assignment to the partnership.

(c) Craft academic goals that put pupils on track to meet or exceed grade level proficiency.

(3) Upon approval of the academic and financial operating or intervention plan developed under subsection (2), the department, in collaboration with the department of treasury, shall assign a team of individuals with expertise in comprehensive school and district reform to partner with the district, the intermediate district, community organizations, education organizations, and postsecondary institutions identified in the academic and financial operating or intervention plan to review the district's use of existing financial resources to ensure that those resources are being used as efficiently and effectively as possible to improve student academic achievement and to ensure district financial stability. The superintendent of public instruction may waive burdensome administrative rules for a partnership district for the duration of the partnership agreement and for a district described in subsection (1) that is not a partnership district under this section and that receives funding under this section in the current fiscal year.

(4) Funds allocated under this section, excluding funds allocated under subsection (5), may be used to pay for district expenditures approved by the superintendent to improve student achievement. Funds may be used for professional development for teachers or district or school leadership, increased instructional time, teacher mentors, or other expenditures that directly impact student achievement and cannot be paid from existing district financial resources. An eligible district must not receive funds under this section for more than 3 years. Notwithstanding section 17b, the department shall make payments to districts under this section on a schedule determined by the department.

(5) From the funds allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $137,400.00 for the purchase of a data analytics tool to be used by districts described in subsection (1). The superintendent of public instruction shall require districts described in subsection (1) to purchase a data analytics tool funded under this subsection as part of the agreements described in this section.

(6) The department, in consultation with the department of treasury, shall annually report to the legislature on the activities funded under this section and how those activities impacted student achievement in districts that received funds under this section. To the extent possible, participating districts receiving funding under this section shall participate in the report.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1621h.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1621h.amended District assigned to partnership or a community engagement advisory committee to improve student achievement and district financial stability; eligibility for funding; approval of an academic and financial operating or intervention plan; allocation and use of funds; funds for data analytics tool; report.

Sec. 21h. (1) From the state school aid fund money appropriated in section 11, there is allocated $6,137,400.00 for 2021-2022 for assisting districts assigned by the superintendent to participate in a partnership and districts that have established a community engagement advisory committee in partnership with the department of treasury, are required to submit a deficit elimination plan or an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and are located in a city with a population between 9,000 and 11,000, as determined by the department, that is in a county with a population between 150,000 and 160,000, as determined by the department, to improve student achievement and district financial stability. The superintendent shall collaborate with the state treasurer to identify any conditions that may be contributing to low academic performance within a district being considered for assignment to a partnership. The purpose of the partnership is to identify district needs, develop intervention plans, and partner with public, private, and nonprofit organizations to coordinate resources and improve student achievement. Assignment of a district to a partnership is made by the superintendent in consultation with the state treasurer.

(2) A district described in subsection (1) is eligible for funding under this section if the district includes at least 1 school that has been identified as low performing under the approved federal accountability system or the state accountability system. A district described in this subsection must do all of the following to be eligible for funding under this section:

© Courtesy of www.legislature.mi.gov

(a) For a partnership district under this section, within 90 days of assignment to the partnership described in this section, and for a district described in subsection (1) that is not a partnership district under this section, by October 15 of each year, complete a comprehensive needs assessment or evaluation in collaboration with an intermediate district, community members, education organizations, and postsecondary institutions, as applicable, that is approved by the superintendent. The comprehensive needs assessment or evaluation must include at least all of the following:

(*i*) A review of the district's implementation and utilization of a multi-tiered system of supports to ensure that it is used to appropriately inform instruction.

(*ii*) A review of the district and school building leadership and educator capacity to substantially improve student outcomes.

(*iii*) A review of classroom, instructional, and operational practices and curriculum to ensure alignment with research-based instructional practices and state curriculum standards.

(b) Develop an academic and financial operating or intervention plan that has been approved by the superintendent and that addresses the needs identified in the comprehensive needs assessment or evaluation completed under subdivision (a). The intervention plan must include at least all of the following:

(*i*) Specific actions that will be taken by the district and each of its partners to improve student achievement.

(*ii*) Specific measurable benchmarks that will be met within 18 months to improve student achievement and identification of expected student achievement outcomes to be attained within 3 years after assignment to the partnership.

(c) Craft academic goals that put pupils on track to meet or exceed grade level proficiency.

(3) Upon approval of the academic and financial operating or intervention plan developed under subsection (2), the department, in collaboration with the department of treasury, shall assign a team of individuals with expertise in comprehensive school and district reform to partner with the district, the intermediate district, community organizations, education organizations, and postsecondary institutions identified in the academic and financial operating or intervention plan to review the district's use of existing financial resources to ensure that those resources are being used as efficiently and effectively as possible to improve student academic achievement and to ensure district financial stability. The superintendent of public instruction may waive burdensome administrative rules for a partnership district for the duration of the partnership agreement and for a district described in subsection (1) that is not a partnership district under this section and that receives funding under this section in the current fiscal year.

(4) Funds allocated under this section, excluding funds allocated under subsection (5), may be used to pay for district expenditures approved by the superintendent to improve student achievement. Funds may be used for professional development for teachers or district or school leadership, increased instructional time, teacher mentors, or other expenditures that directly impact student achievement and cannot be paid from existing district financial resources. An eligible district must not receive funds under this section for more than 3 years. Notwithstanding section 17b, the department shall make payments to districts under this section on a schedule determined by the department.

(5) From the funds allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $137,400.00 for the purchase of a data analytics tool to be used by districts described in subsection (1). The superintendent of public instruction shall require districts described in subsection (1) to purchase a data analytics tool funded under this subsection as part of the agreements described in this section.

(6) The department, in consultation with the department of treasury, shall annually report to the legislature on the activities funded under this section and how those activities impacted student achievement in districts that received funds under this section. To the extent possible, participating districts receiving funding under this section shall participate in the report.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1621j Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: The repealed section pertained to design and implementation of competency-based education program.

388.1622 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to allocations to districts.

388.1622a Allocation for school operating purposes; payment to districts and qualifying public school academies; calculations; definitions.

Sec. 22a. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount

© Courtesy of www.legislature.mi.gov

not to exceed $4,836,000,000.00 for 2020-2021 and there is allocated an amount not to exceed $4,742,000,000.00 for 2021-2022 for payments to districts and qualifying public school academies to guarantee each district and qualifying public school academy an amount equal to its 1994-95 total state and local per-pupil revenue for school operating purposes under section 11 of article IX of the state constitution of 1963. Pursuant to section 11 of article IX of the state constitution of 1963, this guarantee does not apply to a district in a year in which the district levies a millage rate for school district operating purposes less than it levied in 1994. However, subsection (2) applies to calculating the payments under this section. Funds allocated under this section that are not expended in the fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22b and 51c to fully fund those allocations for the same fiscal year. For each fund transfer as described in the immediately preceding sentence that occurs, the state budget director shall send notification of the transfer to the house and senate appropriations subcommittees on state school aid and the house and senate fiscal agencies by not later than 14 calendar days after the transfer occurs.

(2) To ensure that a district receives an amount equal to the district's 1994-95 total state and local per-pupil revenue for school operating purposes, there is allocated to each district a state portion of the district's 1994-95 foundation allowance in an amount calculated as follows:

(a) Except as otherwise provided in this subsection, the state portion of a district's 1994-95 foundation allowance is an amount equal to the district's 1994-95 foundation allowance or $6,500.00, whichever is less, minus the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the department shall calculate the state portion of the district's foundation allowance as if that reduction did not occur. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, taxable value per membership pupil of all property in the receiving district that is nonexempt property and taxable value per membership pupil of property in the receiving district that is commercial personal property do not include property within the geographic area of the dissolved district; ad valorem property tax revenue of the receiving district captured under tax increment financing acts does not include ad valorem property tax revenue captured within the geographic boundaries of the dissolved district under tax increment financing acts; and certified mills do not include the certified mills of the dissolved district. For a community district, the department shall reduce the allocation as otherwise calculated under this section by an amount equal to the amount of local school operating tax revenue that would otherwise be due to the community district if not for the operation of section 386 of the revised school code, MCL 380.386, and the amount of this reduction is offset by the increase in funding under section 22b(2).

(b) For a district that had a 1994-95 foundation allowance greater than $6,500.00, the state payment under this subsection is the sum of the amount calculated under subdivision (a) plus the amount calculated under this subdivision. The amount calculated under this subdivision must be equal to the difference between the district's 1994-95 foundation allowance minus $6,500.00 and the current year hold harmless school operating taxes per pupil. If the result of the calculation under subdivision (a) is negative, the negative amount is an offset against any state payment calculated under this subdivision. If the result of a calculation under this subdivision is negative, there is not a state payment or a deduction under this subdivision. The taxable values per membership pupil used in the calculations under this subdivision are as adjusted by ad valorem property tax revenue captured under tax increment financing acts divided by the district's membership. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, ad valorem property tax revenue captured under tax increment financing acts do not include ad valorem property tax revenue captured within the geographic boundaries of the dissolved district under tax increment financing acts.

(3) For pupils in membership in a qualifying public school academy, there is allocated under this section to the authorizing body that is the fiscal agent for the qualifying public school academy for forwarding to the qualifying public school academy an amount equal to the 1994-95 per-pupil payment to the qualifying public school academy under section 20.

(4) A district or qualifying public school academy may use funds allocated under this section in conjunction with any federal funds for which the district or qualifying public school academy otherwise

© Courtesy of www.legislature.mi.gov

would be eligible.

(5) Except as otherwise provided in this subsection, for a district that is formed or reconfigured after June 1, 2000 by consolidation of 2 or more districts or by annexation, the resulting district's 1994-95 foundation allowance under this section beginning after the effective date of the consolidation or annexation is the average of the 1994-95 foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district in the fiscal year in which the consolidation takes place who reside in the geographic area of each of the original districts. If an affected district's 1994-95 foundation allowance is less than the 1994-95 basic foundation allowance, the amount of that district's 1994-95 foundation allowance is considered for the purpose of calculations under this subsection to be equal to the amount of the 1994-95 basic foundation allowance. This subsection does not apply to a receiving district unless there is a subsequent consolidation or annexation that affects the district.

(6) Payments under this section are subject to section 25g.

(7) As used in this section:

(a) "1994-95 foundation allowance" means a district's 1994-95 foundation allowance calculated and certified by the department of treasury or the superintendent under former section 20a as enacted in 1993 PA 336 and as amended by 1994 PA 283.

(b) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(c) "Current fiscal year" means the fiscal year for which a particular calculation is made.

(d) "Current year hold harmless school operating taxes per pupil" means the per-pupil revenue generated by multiplying a district's 1994-95 hold harmless millage by the district's current year taxable value per membership pupil. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, taxable value per membership pupil does not include the taxable value of property within the geographic area of the dissolved district.

(e) "Dissolved district" means a district that loses its organization, has its territory attached to 1 or more other districts, and is dissolved as provided under section 12 of the revised school code, MCL 380.12.

(f) "Hold harmless millage" means, for a district with a 1994-95 foundation allowance greater than $6,500.00, the number of mills by which the exemption from the levy of school operating taxes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, and property occupied by a public school academy could be reduced as provided in section 1211 of the revised school code, MCL 380.1211, and the number of mills of school operating taxes that could be levied on all property as provided in section 1211(2) of the revised school code, MCL 380.1211, as certified by the department of treasury for the 1994 tax year. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, school operating taxes do not include school operating taxes levied within the geographic area of the dissolved district.

(g) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(h) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, or property occupied by a public school academy.

(i) "Principal residence", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(j) "Qualifying public school academy" means a public school academy that was in operation in the 1994-95 school year and is in operation in the current fiscal year.

(k) "Receiving district" means a district to which all or part of the territory of a dissolved district is attached under section 12 of the revised school code, MCL 380.12.

(*l*) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes as defined in section 20.

(m) "Tax increment financing acts" means parts 2, 3, 4, and 6 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4420 and 125.4602 to 125.4629, or the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670.

(n) "Taxable value per membership pupil" means each of the following divided by the district's membership:

© Courtesy of www.legislature.mi.gov

(*i*) For the number of mills by which the exemption from the levy of school operating taxes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, and property occupied by a public school academy may be reduced as provided in section 1211 of the revised school code, MCL 380.1211, the taxable value of principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, and property occupied by a public school academy for the calendar year ending in the current fiscal year. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, mills do not include mills within the geographic area of the dissolved district.

(*ii*) For the number of mills of school operating taxes that may be levied on all property as provided in section 1211(2) of the revised school code, MCL 380.1211, the taxable value of all property for the calendar year ending in the current fiscal year. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, school operating taxes do not include school operating taxes levied within the geographic area of the dissolved district.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2013, Act 97, Eff. Oct. 1, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory

© Courtesy of www.legislature.mi.gov

act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 217 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1622b Allocation from community district education trust fund; discretionary nonmandated payments; duties of district; purchase and support of business function software; payments for litigation costs; claim of inadequate funding or unfunded constitutional requirement; escrowed funds as work project; purpose; final determination; expedited review of claim by local claims review board; removal to court of appeals; violation of state constitution; lawsuit challenging payments relating to costs reimbursed by federal title XIX Medicaid funds; "title XIX" defined.

Sec. 22b. (1) For discretionary nonmandated payments to districts under this section, there is allocated for 2020-2021 an amount not to exceed $4,478,200,000.00 from the state school aid fund and general fund appropriations in section 11 and an amount not to exceed $79,800,000.00 from the community district education trust fund appropriation in section 11, and there is allocated for 2021-2022 an amount not to exceed $5,132,000,000.00 from the state school aid fund and general fund appropriations in section 11 and an amount not to exceed $72,000,000.00 from the community district education trust fund appropriation in section 11. Of the funds allocated under this section for 2021-2022, $13,600,000.00 represents the amount of the general fund revenue deposited into the state school aid fund to reimburse the state school aid fund for community district education trust fund costs in excess of $72,000,000.00. Except for money allocated under this section from the community district education trust fund appropriation in section 11, funds allocated under this section that are not expended in the fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 51c to fully fund those allocations for the same fiscal year. For each fund transfer as described in the immediately preceding sentence that occurs, the state budget director shall send notification of the transfer to the house and senate appropriations subcommittees on state school aid and the house and senate fiscal agencies by not later than 14 calendar days after the transfer occurs.

(2) Subject to subsection (3) and section 296, the allocation to a district under this section is an amount equal to the sum of the amounts calculated under sections 20, 20m, 51a(2), 51a(3), and 51a(11), minus the sum of the allocations to the district under sections 22a and 51c. For a community district, the allocation as otherwise calculated under this section is increased by an amount equal to the amount of local school operating tax revenue that would otherwise be due to the community district if not for the operation of section 386 of the revised school code, MCL 380.386, and this increase must be paid from the community district education trust fund allocation in subsection (1) in order to offset the absence of local school operating revenue in a community district in the funding of the state portion of the foundation allowance under section 20(4).

(3) In order to receive an allocation under subsection (1), each district must do all of the following:

(a) Comply with section 1280b of the revised school code, MCL 380.1280b.

(b) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(c) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.

(d) Comply with section 1230g of the revised school code, MCL 380.1230g.

© Courtesy of www.legislature.mi.gov

(e) Comply with section 21f.

(f) For a district that has entered into a partnership agreement with the department, comply with section 22p.

(4) Districts are encouraged to use funds allocated under this section for the purchase and support of payroll, human resources, and other business function software that is compatible with that of the intermediate district in which the district is located and with other districts located within that intermediate district.

(5) From the allocation in subsection (1), the department shall pay up to $1,000,000.00 in litigation costs incurred by this state related to commercial or industrial property tax appeals, including, but not limited to, appeals of classification, that impact revenues dedicated to the state school aid fund.

(6) From the allocation in subsection (1), the department shall pay up to $1,000,000.00 in litigation costs incurred by this state associated with lawsuits filed by 1 or more districts or intermediate districts against this state. If the allocation under this section is insufficient to fully fund all payments required under this section, the payments under this subsection must be made in full before any proration of remaining payments under this section.

(7) It is the intent of the legislature that all constitutional obligations of this state have been fully funded under sections 22a, 31d, 51a, 51c, and 152a. If a claim is made by an entity receiving funds under this article that challenges the legislative determination of the adequacy of this funding or alleges that there exists an unfunded constitutional requirement, the state budget director may escrow or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the claim before making any payments to districts under subsection (2). If funds are escrowed, the escrowed funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of litigation. The work project is completed upon resolution of the litigation.

(8) If the local claims review board or a court of competent jurisdiction makes a final determination that this state is in violation of section 29 of article IX of the state constitution of 1963 regarding state payments to districts, the state budget director shall use work project funds under subsection (7) or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the amount owed to districts before making any payments to districts under subsection (2).

(9) If a claim is made in court that challenges the legislative determination of the adequacy of funding for this state's constitutional obligations or alleges that there exists an unfunded constitutional requirement, any interested party may seek an expedited review of the claim by the local claims review board. If the claim exceeds $10,000,000.00, this state may remove the action to the court of appeals, and the court of appeals has and shall exercise jurisdiction over the claim.

(10) If payments resulting from a final determination by the local claims review board or a court of competent jurisdiction that there has been a violation of section 29 of article IX of the state constitution of 1963 exceed the amount allocated for discretionary nonmandated payments under this section, the legislature shall provide for adequate funding for this state's constitutional obligations at its next legislative session.

(11) If a lawsuit challenging payments made to districts related to costs reimbursed by federal title XIX Medicaid funds is filed against this state, then, for the purpose of addressing potential liability under such a lawsuit, the state budget director may place funds allocated under this section in escrow or allocate money from the funds otherwise allocated under this section, up to a maximum of 50% of the amount allocated in subsection (1). If funds are placed in escrow under this subsection, those funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of the litigation. The work project is completed upon resolution of the litigation. In addition, this state reserves the right to terminate future federal title XIX Medicaid reimbursement payments to districts if the amount or allocation of reimbursed funds is challenged in the lawsuit. As used in this subsection, "title XIX" means title XIX of the social security act, 42 USC 1396 to 1396w-5.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20,

© Courtesy of www.legislature.mi.gov

2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $2,845,000,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

****** 388.1622c.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1622c.added Per membership pupil payments to eligible districts.

Sec. 22c. From the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $3,000,000.00 for payments to eligible districts as provided under this section. The payment for an eligible district under this section must be in an amount per membership pupil equal to $171.00. As used in this section:

(a) "Eligible district" means a district for which the local school operating revenue per membership pupil exceeds the district's foundation allowance as calculated under section 20.

(b) "Local school operating revenue per membership pupil" means that term as defined in section 20.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The repealed section pertained to equity payments to districts having less than certain foundation allowance.

© Courtesy of www.legislature.mi.gov

Former MCL 388.1622c, which pertained to equity payments to districts having less than certain foundation allowance was repealed by Act 85 of 2015, Eff. Oct. 1, 2015.

****** 388.1622d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1622d.amended ******

388.1622d Supplemental payments to rural districts.

Sec. 22d. (1) From the state school aid fund money appropriated under section 11, an amount not to exceed $7,000,000.00 is allocated for 2020-2021 for supplemental payments to rural districts under this section.

(2) From the allocation under subsection (1), there is allocated for 2020-2021 an amount not to exceed $957,300.00 for payments under this subsection to districts that meet all of the following:

(a) Operates grades K to 12.

(b) Has fewer than 250 pupils in membership.

(c) Each school building operated by the district meets at least 1 of the following:

(*i*) Is located in the Upper Peninsula at least 30 miles from any other public school building.

(*ii*) Is located on an island that is not accessible by bridge.

(3) The amount of the additional funding to each eligible district under subsection (2) is determined under a spending plan developed as provided in this subsection and approved by the superintendent of public instruction. The spending plan must be developed cooperatively by the intermediate superintendents of each intermediate district in which an eligible district is located. The intermediate superintendents shall review the financial situation of each eligible district, determine the minimum essential financial needs of each eligible district, and develop and agree on a spending plan that distributes the available funding under subsection (2) to the eligible districts based on those financial needs. The intermediate superintendents shall submit the spending plan to the superintendent of public instruction for approval. Upon approval by the superintendent of public instruction, the amounts specified for each eligible district under the spending plan are allocated under subsection (2) and must be paid to the eligible districts in the same manner as payments under section 22b.

(4) Subject to subsection (6), from the allocation in subsection (1), there is allocated for 2020-2021 an amount not to exceed $6,042,700.00 for payments under this subsection to districts that have fewer than 10.0 pupils per square mile as determined by the department.

(5) The funds allocated under subsection (4) are allocated as follows:

(a) An amount equal to $5,200,000.00 is allocated to districts with fewer than 8.0 pupils per square mile, as determined by the department, on an equal per-pupil basis.

(b) The balance of the funding under subsection (4) is allocated as follows:

(*i*) For districts with at least 8.0 but fewer than 9.0 pupils per square mile, as determined by the department, the allocation is an amount per pupil equal to 75% of the per-pupil amount allocated to districts under subdivision (a).

(*ii*) For districts with at least 9.0 but fewer than 10.0 pupils per square mile, as determined by the department, the allocation is an amount per pupil equal to 50% of the per-pupil amount allocated to districts under subdivision (a).

(c) If the total funding allocated under subdivision (b) is not sufficient to fully fund payments as calculated under that subdivision, the department shall prorate payments to districts under subdivision (b) on an equal per-pupil basis.

(6) A district receiving funds allocated under subsection (2) is not eligible for funding allocated under subsection (4).

History: Add. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to

© Courtesy of www.legislature.mi.gov

local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1622d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1622d.amended Supplemental payments to rural districts.

Sec. 22d. (1) From the state school aid fund money appropriated under section 11, an amount not to exceed $8,420,000.00 is allocated for 2021-2022 for supplemental payments to rural districts under this section.

(2) From the allocation under subsection (1), there is allocated for 2021-2022 an amount not to exceed $1,557,300.00 for payments under this subsection to districts that meet all of the following:

(a) Operates grades K to 12.

(b) Has fewer than 250 pupils in membership.

(c) Each school building operated by the district meets at least 1 of the following:

(*i*) Is located in the Upper Peninsula at least 30 miles from any other public school building.

(*ii*) Is located on an island that is not accessible by bridge.

(3) The amount of the additional funding to each eligible district under subsection (2) is determined under a spending plan developed as provided in this subsection and approved by the superintendent of public instruction. The spending plan must be developed cooperatively by the intermediate superintendents of each intermediate district in which an eligible district is located. The intermediate superintendents shall review the financial situation of each eligible district, determine the minimum essential financial needs of each eligible district, and develop and agree on a spending plan that distributes the available funding under subsection (2) to the eligible districts based on those financial needs. The intermediate superintendents shall submit the spending plan to the superintendent of public instruction for approval. Upon approval by the superintendent of public instruction, the amounts specified for each eligible district under the spending plan are allocated under subsection (2) and must be paid to the eligible districts in the same manner as payments under section 22b.

(4) Subject to subsection (7), from the allocation in subsection (1), there is allocated for 2021-2022 an amount not to exceed $6,042,700.00 for payments under this subsection to districts that have fewer than 10.0 pupils per square mile as determined by the department.

(5) The funds allocated under subsection (4) are allocated as follows:

(a) An amount equal to $5,200,000.00 is allocated to districts with fewer than 8.0 pupils per square mile, as determined by the department, on an equal per-pupil basis.

(b) The balance of the funding under subsection (4) is allocated as follows:

(*i*) For districts with at least 8.0 but fewer than 9.0 pupils per square mile, as determined by the department, the allocation is an amount per pupil equal to 75% of the per-pupil amount allocated to districts under subdivision (a).

(*ii*) For districts with at least 9.0 but fewer than 10.0 pupils per square mile, as determined by the department, the allocation is an amount per pupil equal to 50% of the per-pupil amount allocated to districts under subdivision (a).

(c) If the total funding allocated under subdivision (b) is not sufficient to fully fund payments as calculated under that subdivision, the department shall prorate payments to districts under subdivision (b) on an equal per-pupil basis.

(6) From the allocation in subsection (1), there is allocated an amount not to exceed $820,000.00 for payments under this subsection to districts that have greater than 250 square miles and that do not receive funding under subsection (2) or (4). The funds allocated under this subsection must be allocated on an equal

© Courtesy of www.legislature.mi.gov

per-pupil basis.

(7) A district receiving funds allocated under subsection (2) is not eligible for funding allocated under subsection (4).

History: Add. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1622e Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to additional payments to eligible districts.

388.1622f Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to incentive payments to districts meeting best practices.

****** 388.1622g.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1622g.added Payments to qualifying intermediate districts; outstanding operating debt; accrued school bond loan fund interest; "dissolved school district" defined.

Sec. 22g. (1) From the state school aid fund money appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $25,500,000.00 to a qualifying intermediate district for paying the outstanding operating debt and accrued school bond loan fund interest of a dissolved school district. For purposes of this subsection, an intermediate district is a qualifying intermediate district if it is required to perform the functions and satisfy the responsibilities of a dissolved school district under section 12(3) of the revised school code, MCL 380.12. The department of treasury shall determine which qualifying intermediate district is eligible for payments under this section based on the ability of the dissolved school district to repay the balance of accrued school bond loan fund interest.

(2) Notwithstanding section 17b, the department shall make payments to a qualifying intermediate district under this section on a schedule determined by the department.

(3) As used in this section, "dissolved school district" means a school district that has been declared dissolved under section 12 of the revised school code, MCL 380.12.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

© Courtesy of www.legislature.mi.gov

Compiler's note: The repealed section pertained to grants awarded to districts not receiving funds in 2016-2017 and use of funds for certain transaction costs.

Former MCL 388.1622g, which pertained to grants awarded to districts not receiving funds in 2016-2017 and use of funds for certain transaction costs was repealed by Act 265 of 2018, Eff. Oct. 1, 2018.

388.1622h Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to distressed district school transition grants.

388.1622i Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to technology readiness infrastructure grant program for districts or intermediate districts.

388.1622j Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to incentive payments for student academic performance.

388.1622k Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's note: The repealed section pertained to allocation for competitive student-centric grants to eligible districts.

****** 388.1622m THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1622m.amended ******

388.1622m Integration of local data systems into Michigan data hub network; basis; entity as fiscal agent; coordination of activities; determination of amount of funds; payment schedule; governance model required for funding; participation as voluntary; use of funds; report.

Sec. 22m. (1) From the appropriations in section 11, there is allocated for 2020-2021 an amount not to exceed $2,200,000.00 for supporting the integration of local data systems into the Michigan data hub network based on common standards and applications that are in compliance with section 19(6).

(2) An entity that is the fiscal agent for no more than 5 consortia of intermediate districts that previously received funding from the technology readiness infrastructure grant under former section 22i for the purpose of establishing regional data hubs that are part of the Michigan data hub network is eligible for funding under this section.

(3) The center shall work with an advisory committee composed of representatives from intermediate districts within each of the data hub regions to coordinate the activities of the Michigan data hub network.

(4) The center, in collaboration with the Michigan data hub network, shall determine the amount of funds distributed under this section to each participating regional data hub within the network, based upon a competitive grant process. The center shall ensure that the entities receiving funding under this section represent geographically diverse areas in this state.

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

(6) To receive funding under this section, a regional data hub must have a governance model that ensures local control of data, data security, and student privacy issues. The integration of data within each of the regional data hubs must provide for the actionable use of data by districts and intermediate districts through common reports and dashboards and for efficiently providing information to meet state and federal reporting purposes.

(7) Participation in a data hub region in the Michigan data hub network under this section is voluntary and is not required.

(8) Entities receiving funding under this section shall use the funds for all of the following:

(a) Creating an infrastructure that effectively manages the movement of data between data systems used by intermediate districts, districts, and other educational organizations in Michigan based on common data standards to improve student achievement.

(b) Utilizing the infrastructure to put in place commonly needed integrations, reducing cost and effort to do that work while increasing data accuracy and usability.

(c) Promoting the use of a more common set of applications by promoting systems that integrate with the Michigan data hub network.

(d) Promoting 100% district adoption of the Michigan data hub network by September 30, 2021.

(e) Ensuring local control of data, data security, and student data privacy.

(f) Utilizing the infrastructure to promote the actionable use of data through common reports and dashboards that are consistent statewide.

(g) Creating a governance model to facilitate sustainable operations of the infrastructure in the future,

© Courtesy of www.legislature.mi.gov

including administration, legal agreements, documentation, staffing, hosting, and funding.

(h) Evaluating future data initiatives at all levels to determine whether the initiatives can be enhanced by using the standardized environment in the Michigan data hub network.

(9) Not later than January 1 of each fiscal year, the center shall prepare a summary report of information provided by each entity that received funds under this section that includes measurable outcomes based on the objectives described under this section and a summary of compiled data from each entity to provide a means to evaluate the effectiveness of the project. The center shall submit the report to the house and senate appropriations subcommittees on state school aid and to the house and senate fiscal agencies.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1622m.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1622m.amended Integration of local data systems into Michigan data hub network; basis; entity as fiscal agent; coordination of activities; determination of amount of funds; payment schedule; governance model required for funding; participation as voluntary; use of funds; report.

Sec. 22m. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $2,200,000.00 for supporting the integration of local data systems into the Michigan data hub network based on common standards and applications that are in compliance with section 19(6).

(2) An entity that is the fiscal agent for no more than 5 consortia of intermediate districts that previously received funding from the technology readiness infrastructure grant under former section 22i for the purpose of establishing regional data hubs that are part of the Michigan data hub network is eligible for funding under this section.

(3) The center shall work with an advisory committee composed of representatives from intermediate districts within each of the data hub regions to coordinate the activities of the Michigan data hub network.

(4) The center, in collaboration with the Michigan data hub network, shall determine the amount of funds distributed under this section to each participating regional data hub within the network, based upon a competitive grant process. The center shall ensure that the entities receiving funding under this section represent geographically diverse areas in this state.

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

(6) To receive funding under this section, a regional data hub must have a governance model that ensures local control of data, data security, and student privacy issues. The integration of data within each of the regional data hubs must provide for the actionable use of data by districts and intermediate districts through common reports and dashboards and for efficiently providing information to meet state and federal reporting purposes.

(7) Participation in a data hub region in the Michigan data hub network under this section is voluntary and is not required.

(8) Entities receiving funding under this section shall use the funds for all of the following:

(a) Creating an infrastructure that effectively manages the movement of data between data systems used by intermediate districts, districts, and other educational organizations in Michigan based on common data standards to improve student achievement.

(b) Utilizing the infrastructure to put in place commonly needed integrations, reducing cost and effort to do that work while increasing data accuracy and usability.

(c) Promoting the use of a more common set of applications by promoting systems that integrate with the Michigan data hub network.

(d) Promoting 100% district adoption of the Michigan data hub network by September 30, 2022.

(e) Ensuring local control of data, data security, and student data privacy.

(f) Utilizing the infrastructure to promote the actionable use of data through common reports and dashboards that are consistent statewide.

(g) Creating a governance model to facilitate sustainable operations of the infrastructure in the future, including administration, legal agreements, documentation, staffing, hosting, and funding.

(h) Evaluating future data initiatives at all levels to determine whether the initiatives can be enhanced by using the standardized environment in the Michigan data hub network.

(9) Not later than January 1 of each fiscal year, the center shall prepare a summary report of information provided by each entity that received funds under this section that includes measurable outcomes based on the

© Courtesy of www.legislature.mi.gov

objectives described under this section and a summary of compiled data from each entity to provide a means to evaluate the effectiveness of the project. The center shall submit the report to the house and senate appropriations subcommittees on school aid and to the house and senate fiscal agencies.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1622n Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to additional payments to districts for higher instructional costs of educating high school pupils.

****** 388.1622p THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1622p.amended ******

388.1622p Partnership district; partnership agreement; measurable academic outcomes and accountability measures; agreement requirements.

Sec. 22p. (1) Subject to subsection (2), in order to receive funding under section 22b, a district or public school academy that is assigned by the superintendent of public instruction as a partnership district must have a signed 3-year partnership agreement with the department that includes all of the following:

(a) Measurable academic outcomes that the district or public school academy will achieve for each school operated by the district or public school academy that is subject to the partnership agreement after 18 months and after 36 months from the date the agreement was originally signed. Measurable academic outcomes under this subdivision must include all of the following:

(*i*) Outcomes that put pupils on track to meet or exceed grade level proficiency and that are based on district or public school academy needs identified as required under section 21h.

(*ii*) Either of the following, as applicable:

(A) At least 1 proficiency or growth outcome based on state assessments described in section 104b or 104c.

(B) For 2020-2021 only, at least 1 proficiency or growth outcome based on a benchmark assessment described in section 104.

(b) Accountability measures to be imposed if the district or public school academy does not achieve the measurable academic outcomes described in subdivision (a) for each school operated by the district or public school academy that is subject to the partnership agreement. For a district assigned as a partnership district as described in this subsection, accountability measures under this subdivision must include the reconstitution of the school. For a public school academy assigned as a partnership district as described in this subsection, accountability measures under this subdivision may include the reconstitution of the school.

(c) For a public school academy assigned as a partnership district as described in this subsection, a requirement that, if reconstitution is imposed on a school that is operated by the public school academy and that is subject to the partnership agreement, the school must be reconstituted as described in section 507, 528, or 561, as applicable, of the revised school code, MCL 380.507, 380.528, and 380.561.

(d) For a district assigned as a partnership district as described in this subsection, a provision that, if reconstitution is imposed on a school that is operated by the district and that is subject to the partnership agreement, reconstitution may require closure of the school building, but, if the school building remains open, reconstitution must include, but is not limited to, all of the following:

(*i*) The district shall make significant changes to the instructional and noninstructional programming of the school based on the needs identified through a comprehensive review of data in compliance with section 21h.

(*ii*) The district shall review whether the current principal of the school should remain as principal or be replaced.

(*iii*) The reconstitution plan for the school must require the adoption of goals similar to the goals included in the partnership agreement, with a limit of 3 years to achieve the goals. If the goals are not achieved within 3 years, the superintendent of public instruction shall impose a second reconstitution plan.

(2) If a district or public school academy is assigned as a partnership district as described in subsection (1) during the current fiscal year, it shall ensure that it has a signed partnership agreement as described in subsection (1) in place by not later than 90 days after the date that it is assigned as a partnership district. If a district or public school academy described in this subsection does not comply with this subsection, the department shall withhold funding under section 22b for that district or public school academy until the district or public school academy has a signed partnership agreement as described in subsection (1) in place.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

© Courtesy of www.legislature.mi.gov

388.1622p.amended Partnership district; partnership agreement; measurable academic outcomes and accountability measures; agreement requirements.

Sec. 22p. (1) Subject to subsection (2), in order to receive funding under section 22b, a district or public school academy that is assigned by the superintendent of public instruction as a partnership district must have a signed 3-year partnership agreement with the department that includes all of the following:

(a) Measurable academic outcomes that the district or public school academy will achieve for each school operated by the district or public school academy that is subject to the partnership agreement after 18 months and after 36 months from the date the agreement was originally signed. Measurable academic outcomes under this subdivision must include all of the following:

(*i*) Outcomes that put pupils on track to meet or exceed grade level proficiency and that are based on district or public school academy needs identified as required under section 21h.

(*ii*) Either of the following, as applicable:

(A) At least 1 proficiency or growth outcome based on state assessments described in section 104b or 104c.

(B) At least 1 proficiency or growth outcome based on a benchmark assessment described in section 104a.

(b) Accountability measures to be imposed if the district or public school academy does not achieve the measurable academic outcomes described in subdivision (a) for each school operated by the district or public school academy that is subject to the partnership agreement. For a district assigned as a partnership district as described in this subsection, accountability measures under this subdivision must include the reconstitution of the school. For a public school academy assigned as a partnership district as described in this subsection, accountability measures under this subdivision may include the reconstitution of the school.

(c) For a public school academy assigned as a partnership district as described in this subsection, a requirement that, if reconstitution is imposed on a school that is operated by the public school academy and that is subject to the partnership agreement, the school must be reconstituted as described in section 507, 528, or 561, as applicable, of the revised school code, MCL 380.507, 380.528, and 380.561.

(d) For a district assigned as a partnership district as described in this subsection, a provision that, if reconstitution is imposed on a school that is operated by the district and that is subject to the partnership agreement, reconstitution may require closure of the school building, but, if the school building remains open, reconstitution must include, but is not limited to, all of the following:

(*i*) The district shall make significant changes to the instructional and noninstructional programming of the school based on the needs identified through a comprehensive review of data in compliance with section 21h.

(*ii*) The district shall review whether the current principal of the school should remain as principal or be replaced.

(*iii*) The reconstitution plan for the school must require the adoption of goals similar to the goals included in the partnership agreement, with a limit of 3 years to achieve the goals. If the goals are not achieved within 3 years, the superintendent of public instruction shall impose a second reconstitution plan.

(2) If a district or public school academy is assigned as a partnership district as described in subsection (1) during the current fiscal year, it shall ensure that it has a signed partnership agreement as described in subsection (1) in place by not later than 90 days after the date that it is assigned as a partnership district. If a district or public school academy described in this subsection does not comply with this subsection, the department shall withhold funding under section 22b for that district or public school academy until the district or public school academy has a signed partnership agreement as described in subsection (1) in place.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1623 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to instructional programs offered by public universities.

388.1623a Dropout recovery program.

Sec. 23a. (1) A dropout recovery program operated by a district qualifies for the special membership counting provisions of section 6(4)(dd) and the hours and days of pupil instruction exemption under section 101(12) if the dropout recovery program meets all of the following:

(a) Enrolls only eligible pupils.

(b) Provides an advocate and teacher of record. An advocate may serve in that role for more than 1 pupil but not more than 50 pupils. An advocate or teacher of record may be employed by the district or may be provided by an education management organization that is partnering with the district. Before an individual is

© Courtesy of www.legislature.mi.gov

assigned to be an advocate or teacher of record for a pupil in the dropout recovery program, the district must comply with sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, with respect to that individual.

(c) Develops a written learning plan.

(d) Monitors the pupil's progress against the written learning plan.

(e) Requires each pupil to make satisfactory monthly progress, as defined by the district under subsection (2).

(f) Reports the pupil's progress results to the partner district at least monthly.

(g) The program may be operated on or off a district school campus, but may be operated using distance learning online only if the program provides a computer and internet access for each eligible pupil participating in the program.

(h) Is operated throughout the entire calendar year.

(i) If the district partners with an education management organization for the program, the education management organization has a dropout recovery program partnership relationship with at least 1 other district.

(2) A district operating a dropout recovery program under this section shall adopt a definition of satisfactory monthly progress that is consistent with the definition of that term under subsection (3).

(3) As used in this section:

(a) "Advocate" means an adult available to meet in person with assigned pupils, as needed, to conduct social interventions, to proctor final examinations, and to provide academic and social support to pupils enrolled in the district's dropout recovery program.

(b) "Education management organization" means a private provider that operates 1 or more other dropout recovery programs that meet the requirements of this section in partnership with 1 or more districts.

(c) "Eligible pupil" means a pupil who has been expelled from school under the mandatory expulsion provisions in section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, a pupil who has been suspended or expelled from school under a local policy, a pupil who is referred by a court, a pupil who is pregnant or is a parent, a pupil who was previously a dropout, or a pupil who is determined by the district to be at risk of dropping out.

(d) "Satisfactory monthly progress" means an amount of progress that is measurable on a monthly basis and that, if continued for a full 12 months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a general education pupil completing a full school year. Satisfactory monthly progress may include a lesser required amount of progress for the first 2 months a pupil participates in the program.

(e) "Teacher of record" means a teacher who holds a valid Michigan teaching certificate; who, if applicable, is endorsed in the subject area and grade of the course; and is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies. If the district partners with an education management organization for the program, the teacher of record may be employed by or contracted through the education management organization.

(f) "Written learning plan" means a written plan developed in conjunction with the advocate that includes the plan start and end dates, courses to be taken, credit to be earned for each course, teacher of record for each course, and advocate name and contact information.

History: Add. 2012, Act 465, Imd. Eff. Dec. 28, 2012;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016 ;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 22, Imd. Eff. Jan. 31, 2020.

Compiler's note: Former MCL 388.1623a, which pertained to schools of choice, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

****** 388.1623b THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1623b Allocation for COVID-19 remediation services.

Sec. 23b. (1) From the federal fund money 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, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $152,400,000.00, and from the state school aid fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $10,000,000.00 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:

© Courtesy of www.legislature.mi.gov

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

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

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

(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 April 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 children.

(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 children that will enroll or the number of eligible children enrolled in the summer program.

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

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

(*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 children that will enroll or the number of eligible children enrolled in the credit recovery program.

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

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

(*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 eligible children that will enroll or the number of eligible children 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 children.

(c) In its application for funding under this section, the district or intermediate district provides 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 child 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 child that, based on the application for funding under this

© Courtesy of www.legislature.mi.gov

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.

(d) In addition to the amounts distributed under subdivisions (a) and (b), an amount not to exceed $100.00 for each eligible child who, 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 or credit recovery program, as applicable, if the program or programs have been designated as innovative under subsection (11).

(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 children. Both 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 children.

(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 child 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 child 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. If funds specifically allocated under this section for summer programs and credit recovery programs that are offered as part of COVID-19 remediation services under this section that have been designated as innovative under subsection (11) are insufficient to fully fund calculations under this section, the department shall apply proration of an equal dollar amount per eligible child in the program or programs described in this sentence.

(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 children 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 the largest size program.

(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 children in a manner in which the eligible children 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 children that will enroll in its summer program as described in subsection (4)(b)(*i*), potential number of eligible children that will enroll in its credit recovery program as described in subsection (4)(b)(*ii*), or potential number of eligible children 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 eligible children 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. If the eligible district or eligible intermediate district received an overpayment of funds under this section based on its

© Courtesy of www.legislature.mi.gov

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

(a) Community-based projects.

(b) Integrated kinesthetic or cognitive growth programs.

(c) STEM-based programs.

(d) Outdoor or adventure-based programs.

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

(12) 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.

(13) 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 child 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 children.

(*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 child" 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, 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 subparagraph on benchmark assessment data from the benchmark assessment or benchmark assessments administered to the child under section 104, as applicable, or on local assessments and is encouraged, in making its determination under this subparagraph, to consider the children with the greatest need based on academics, social-emotional and mental-health risk, or student engagement.

(*ii*) For participation in a credit recovery 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 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.

© Courtesy of www.legislature.mi.gov

(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 child described in subdivision (d)(*i*) who was enrolled in any of grades K to 12 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 following Friday.

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

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

History: Add. 2021, Act 3, Imd. Eff. Mar. 9, 2021;—Am. 2021, Act 47, Imd. Eff. July 7, 2021.

Compiler's note: Former MCL 388.1623b, which pertained to grants for "tec-choices" programs, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

****** 388.1623c THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1623c Payments to eligible districts or intermediate districts for summer program teacher and staff incentives.

Sec. 23c. (1) From the federal fund money 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, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $21,309,900.00 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

© Courtesy of www.legislature.mi.gov

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.

History: Add. 2021, Act 3, Imd. Eff. Mar. 9, 2021.

Compiler's note: Former MCL 388.1623c, which pertained to grants to public universities, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

388.1623d Repealed. 1994, Act 360, Eff. June 30, 1995;—1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to alternative public school established and operated by intermediate school district.

****** 388.1623e THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1623e Allocation for competitive grant program for eligible entities for before-and-after school programs.

Sec. 23e. (1) From the federal fund money 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, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $5,000,000.00. The department shall develop a competitive grant program to distribute this funding to eligible entities described in subsection (3) as described under this section.

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

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

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

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

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

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

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

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

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

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

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

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

History: Add. 2021, Act 3, Imd. Eff. Mar. 9, 2021.

Compiler's note: Former MCL 388.1623e, which pertained to prohibited funding to public school academies, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

© Courtesy of www.legislature.mi.gov

388.1624 Allocation for on-grounds education program; payments for educating students assigned by court or department of health and human services to reside in juvenile detention facility or child caring institution; definitions; funding for department-approved on-grounds educational program; special education pupils funded under MCL 388.1653a not funded under this section.

Sec. 24. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021an amount not to exceed $7,650,000.00 and there is allocated for 2021-2022 an amount not to exceed $7,650,000.00 for payments to the educating district or intermediate district for educating pupils assigned by a court or the department of health and human services to reside in or to attend a juvenile detention facility or child caring institution licensed by the department of health and human services and approved by the department to provide an on-grounds education program. The amount of the payment under this section to a district or intermediate district is calculated as prescribed under subsection (2).

(2) The department shall allocate the total amount allocated under this section by paying to the educating district or intermediate district an amount equal to the lesser of the district's or intermediate district's added cost or the department's approved per-pupil allocation for the district or intermediate district. For the purposes of this subsection:

(a) "Added cost" means 100% of the added cost each fiscal year for educating all pupils assigned by a court or the department of health and human services to reside in or to attend a juvenile detention facility or child caring institution licensed by the department of health and human services or the department of licensing and regulatory affairs and approved by the department to provide an on-grounds education program. Added cost is computed by deducting all other revenue received under this article for pupils described in this section from total costs, as approved by the department, in whole or in part, for educating those pupils in the on-grounds education program or in a program approved by the department that is located on property adjacent to a juvenile detention facility or child caring institution. Costs reimbursed by federal funds are not included.

(b) "Department's approved per-pupil allocation" for a district or intermediate district is determined by dividing the total amount allocated under this section for a fiscal year by the full-time equated membership total for all pupils approved by the department to be funded under this section for that fiscal year for the district or intermediate district.

(3) A district or intermediate district educating pupils described in this section at a residential child caring institution may operate, and receive funding under this section for, a department-approved on-grounds educational program for those pupils that is longer than 181 days, but not longer than 233 days, if the child caring institution was licensed as a child caring institution and offered in 1991-92 an on-grounds educational program that was longer than 181 days but not longer than 233 days and that was operated by a district or intermediate district.

(4) Special education pupils funded under section 53a are not funded under this section.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Subsection (3) of Sec. 24, as amended by Act 128 of 1987, was vetoed by the governor on July 24, 1987.

Subsection (3) of Sec. 24, as amended by Act 212 of 1986, reads as follows:

"(3) Special education pupils funded under section 53 shall not be counted under this section."

In his veto message relative to Enrolled House Bill 4572, which became Act 118 of 1991, the governor stated that "the tradition of not re-enacting annually the unchanged appropriation sections of the school aid act is constitutionally flawed. It assumes the invalid creation of a continuing appropriation. Therefore, the following sections of the school aid act and their associated allocations must be considered inoperative: 24, 55, 74, 75, 105a, 111, and 116. These sections will be treated as excluded from the current bill... ."

In subsection (2), as amended by Act 297 of 2000, the last sentence "In addition, a district or intermediate district that received funds under this subsection for 1998-99 for an on-grounds educational program that is longer than 181 days but not longer than 233 days shall continue to receive funds under this section for subsequent fiscal years for that program" was vetoed by the governor July 26, 2000.

© Courtesy of www.legislature.mi.gov

In the first and second sentences of subsection (1), as amended by Act 121 of 2001, the phrases “and for 2002-2003” and “and $8,900,000.00 for 2002-2003” were vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1624a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1624a.amended ******

388.1624a Allocations for education programs; payments to intermediate districts for pupils placed in juvenile justice service facilities.

Sec. 24a. From the appropriation in section 11, there is allocated an amount not to exceed $1,355,700.00 for 2020-2021 for payments to intermediate districts for pupils who are placed in juvenile justice service facilities operated by the department of health and human services. The amount of the payment to each intermediate district is an amount equal to the state share of those costs that are clearly and directly attributable to the educational programs for pupils placed in facilities described in this section that are located within the intermediate district's boundaries. The intermediate districts receiving payments under this section shall cooperate with the department of health and human services to ensure that all funding allocated under this section is utilized by the intermediate district and department of health and human services for educational programs for pupils described in this section. Pupils described in this section are not eligible to be funded under section 24. However, a program responsibility or other fiscal responsibility associated with these pupils must not be transferred from the department of health and human services to a district or intermediate district unless the district or intermediate district consents to the transfer.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1624a, which pertained to counting pupils residing in nonoperating districts attached to operating districts, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units

© Courtesy of www.legislature.mi.gov

of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1624a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1624a.amended Allocations for education programs; payments to intermediate districts for pupils placed in juvenile justice service facilities.

Sec. 24a. From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,355,700.00 for 2021-2022 for payments to intermediate districts for pupils who are placed in juvenile justice service facilities operated by the department of health and human services. The amount of the payment to each intermediate district is an amount equal to the state share of those costs that are clearly and directly attributable to the educational programs for pupils placed in facilities described in this section that are located within the intermediate district's boundaries. The intermediate districts receiving payments under this section shall cooperate with the department of health and human services to ensure that all funding allocated under this section is utilized by the intermediate district and department of health and human services for educational programs for pupils described in this section. Pupils described in this section are not eligible to be funded under section 24. However, a program responsibility or other fiscal responsibility associated with these pupils must not be transferred from the department of health and human services to a district or intermediate district unless the district or intermediate district consents to the transfer.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1624a, which pertained to counting pupils residing in nonoperating districts attached to operating districts, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1624b Parents or legal guardian residing in different districts; enrollment of child.

Sec. 24b. For the purposes of this act, without regard to whether a parent or legal guardian has custody of the child, if a child's parents, or a child's parent or parents and the child's legal guardian, reside in different districts and if the child meets the applicable age requirements, the child may enroll in a district in which either of the child's parents resides, or in which the child's legal guardian resides. When a child described in this section enrolls in a district under this section, that district is the child's district of residence for the purposes of this act.

© Courtesy of www.legislature.mi.gov

History: Add. 1996, Act 372, Eff. Sept. 1, 1996.

388.1624c Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to payments to districts for pupils enrolled in youth challenge program.

388.1625 Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to enrollment of pupil after pupil membership count day and changes in calculation of state school aid.

388.1625a Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to payment of amounts to educating districts.

388.1625b Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to applicability of section to educating district not first class.

388.1625c Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to educating district of first class.

388.1625d Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to alternative education programs and strict discipline academies.

388.1625e Pupil membership transfer application and pupil transfer process; duties of department; calculation changes; providing information to center and department; pupils enrolled in online courses; report on pupils enrolled after pupil membership count day and before supplemental count day; definitions.

Sec. 25e. (1) The pupil membership transfer application and pupil transfer process administered by the center under this section is used for processing pupil transfers.

(2) If a pupil counted in membership for the pupil membership count day transfers from a district or intermediate district to enroll in another district or intermediate district after the pupil membership count day and before the supplemental count day and, due to the pupil's enrollment and attendance status as of the pupil membership count day, the pupil was not counted in membership in the educating district or intermediate district, the educating district or intermediate district may report the enrollment and attendance information to the center through the pupil transfer process within 30 days after the transfer or within 30 days after the pupil membership count certification date, whichever is later. Pupil transfers may be submitted no earlier than the first day after the certification deadline for the pupil membership count day and before the supplemental count day. Upon receipt of the transfer information under this subsection indicating that a pupil has enrolled and is in attendance in an educating district or intermediate district as described in this subsection, the center shall do the following:

(a) Notify the district in which the pupil was previously enrolled.

(b) Notify both the pupil auditing staff of the intermediate district in which the educating district is located and the pupil auditing staff of the intermediate district in which the district that previously enrolled the pupil is located. The pupil auditing staff shall investigate a representative sample based on required audit sample sizes in the pupil auditing manual and may deny the pupil membership transfer.

(c) Aggregate the districtwide changes and notify the department for use in adjusting the state aid payment system.

(3) The department shall do all of the following:

(a) Adjust the membership calculation for each district or intermediate district in which the pupil was previously counted in membership or that previously received an adjustment in its membership calculation under this section due to a change in the pupil's enrollment and attendance so that the district's or intermediate district's membership is prorated to allow the district or intermediate district to receive for each school day, as determined by the financial calendar furnished by the center, in which the pupil was enrolled and in attendance in the district or intermediate district an amount equal to 1/105 of a full-time equated membership claimed in the fall pupil membership count. The department shall pay the district or intermediate district a prorated foundation allowance in an amount equal to the product of the adjustment under this subdivision for the district or intermediate district multiplied by the foundation allowance or per-pupil payment as calculated under section 20 for the district or intermediate district. The foundation allowance or per-pupil payment is adjusted by the pupil's full-time equated status as affected by the membership definition under section 6(4).

(b) Adjust the membership calculation for the educating district or intermediate district in which the pupil is enrolled and is in attendance so that the district's or intermediate district's membership is increased to allow

© Courtesy of www.legislature.mi.gov

the district or intermediate district to receive an amount equal to the difference between the full-time equated membership claimed in the fall pupil membership count and the sum of the adjustments calculated under subdivision (a) for each district or intermediate district in which the pupil was previously enrolled and in attendance. The department shall pay the educating district or intermediate district a prorated foundation allowance in an amount equal to the product of the adjustment under this subdivision for the educating district or intermediate district multiplied by the per-pupil payment as calculated under section 20 for the educating district or intermediate district. The foundation allowance or per-pupil payment is adjusted by the pupil's full-time equated status as affected by the membership definition under section 6(4).

(4) The changes in calculation of state school aid required under subsection (3) take effect as of the date that the pupil becomes enrolled and in attendance in the educating district or intermediate district, and the department shall base all subsequent payments under this article for the fiscal year to the affected districts or intermediate districts on this recalculation of state school aid.

(5) If a pupil enrolls in an educating district or intermediate district as described in subsection (2), the district or intermediate district in which the pupil is counted in membership or another educating district or intermediate district that received an adjustment in its membership calculation under subsection (3), if any, and the educating district or intermediate district shall provide to the center and the department all information they require to comply with this section.

(6) The portion of the full-time equated pupil membership for which a pupil is enrolled in 1 or more online courses under section 21f that is representative of the amount that the primary district paid in course costs to the course provider is not counted or transferred under the pupil transfer process under this section.

(7) The center annually shall provide a report to the senate and house appropriations subcommittees on state school aid, and to the senate and house fiscal agencies, detailing the number of pupils transferring in from outside the public school system of this state and the number of pupils transferring out of the public school system in this state between the pupil membership count day and supplemental count day as described in this subsection.

(8) As used in this section:

(a) "Educating district or intermediate district" means the district or intermediate district in which a pupil enrolls after the pupil membership count day or after an adjustment was made in another district's or intermediate district's membership calculation under this section due to the pupil's enrollment and attendance.

(b) "Pupil" means that term as defined under section 6 and also children receiving early childhood special education programs and services.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: Enacting section 1 of Act 130 of 2013 provides:
"Enacting section 1. This amendatory act takes effect October 1, 2013."

****** 388.1625f THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1625f.amended ******

388.1625f Payments to strict discipline academies; definitions.

Sec. 25f. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,600,000.00 for 2020-2021 for payments to strict discipline academies established under sections 1311b to 1311m of the revised school code, MCL 380.1311b to 380.1311m, as provided under this section.

(2) In order to receive funding under this section, a strict discipline academy must first comply with section 25e and use the pupil transfer process under that section for changes in enrollment as prescribed under that section.

(3) The total amount allocated to a strict discipline academy under this section must first be distributed as the lesser of the strict discipline academy's added cost or the department's approved per-pupil allocation for the strict discipline academy. Any funds remaining after the first distribution must be distributed by prorating on an equal per-pupil membership basis, not to exceed a strict discipline academy's added cost. However, the sum of the amounts received by a strict discipline academy under this section and under section 24 must not exceed the product of the strict discipline academy's per-pupil allocation calculated under section 20 multiplied by the strict discipline academy's full-time equated membership. The department shall allocate funds to strict discipline academies under this section on a monthly basis. For the purposes of this subsection:

(a) "Added cost" means 100% of the added cost each fiscal year for educating all pupils enrolled and in regular daily attendance at a strict discipline academy. Added cost must be computed by deducting all other

© Courtesy of www.legislature.mi.gov

revenue received under this article for pupils described in this subsection from total costs, as approved by the department, in whole or in part, for educating those pupils in a strict discipline academy. The department shall include all costs including, but not limited to, educational costs, insurance, management fees, technology costs, legal fees, auditing fees, interest, pupil accounting costs, and any other administrative costs necessary to operate the program or to comply with statutory requirements. Costs reimbursed by federal funds are not included.

(b) "Department's approved per-pupil allocation" for a strict discipline academy is determined by dividing the total amount allocated under this subsection for a fiscal year by the full-time equated membership total for all pupils approved by the department to be funded under this subsection for that fiscal year for the strict discipline academy.

(4) Special education pupils funded under section 53a are not funded under this section.

(5) If the funds allocated under this section are insufficient to fully fund the adjustments under subsection (3), the department shall prorate payments under this section on an equal per-pupil basis.

(6) The department shall make payments to districts under this section according to the payment schedule under section 17b.

History: Add. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015 ;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1625f.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1625f.amended Payments to strict discipline academies; definitions.

Sec. 25f. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,600,000.00 for 2021-2022 for payments to strict discipline academies established under sections 1311b to 1311m of the revised school code, MCL 380.1311b to 380.1311m, as provided under this section.

(2) In order to receive funding under this section, a strict discipline academy must first comply with section 25e and use the pupil transfer process under that section for changes in enrollment as prescribed under that section.

(3) The total amount allocated to a strict discipline academy under this section must first be distributed as the lesser of the strict discipline academy's added cost or the department's approved per-pupil allocation for the strict discipline academy. Any funds remaining after the first distribution must be distributed by prorating on an equal per-pupil membership basis, not to exceed a strict discipline academy's added cost. However, the sum of the amounts received by a strict discipline academy under this section and under section 24 must not exceed the product of the strict discipline academy's per-pupil allocation calculated under section 20 multiplied by the strict discipline academy's full-time equated membership. The department shall allocate funds to strict discipline academies under this section on a monthly basis. For the purposes of this subsection:

(a) "Added cost" means 100% of the added cost each fiscal year for educating all pupils enrolled and in regular daily attendance at a strict discipline academy. Added cost must be computed by deducting all other revenue received under this article for pupils described in this subsection from total costs, as approved by the department, in whole or in part, for educating those pupils in a strict discipline academy. The department shall include all costs including, but not limited to, educational costs, insurance, management fees, technology costs, legal fees, auditing fees, interest, pupil accounting costs, and any other administrative costs necessary to operate the program or to comply with statutory requirements. Costs reimbursed by federal funds are not included.

(b) "Department's approved per-pupil allocation" for a strict discipline academy is determined by dividing the total amount allocated under this subsection for a fiscal year by the full-time equated membership total for all pupils approved by the department to be funded under this subsection for that fiscal year for the strict discipline academy.

(4) Special education pupils funded under section 53a are not funded under this section.

(5) If the funds allocated under this section are insufficient to fully fund the adjustments under subsection (3), the department shall prorate payments under this section on an equal per-pupil basis.

(6) The department shall make payments to districts under this section according to the payment schedule under section 17b.

History: Add. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015 ;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

© Courtesy of www.legislature.mi.gov

***** *388.1625g THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1625g.amended* *****

388.1625g Pupil counted as more than 1.0 FTE; conditions; payments.

Sec. 25g. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $750,000.00 for 2020-2021 for the purposes of this section. Except as otherwise provided in this section, if the operation of the special membership counting provisions under section 6(4)(dd) and the other membership counting provisions under section 6(4) result in a pupil being counted as more than 1.0 FTE in a fiscal year, then the payment made for the pupil under sections 22a and 22b must not be based on more than 1.0 FTE for that pupil, and that portion of the FTE that exceeds 1.0 is paid under this section in an amount equal to that portion multiplied by the educating district's foundation allowance or per-pupil payment calculated under section 20.

(2) Special education pupils funded under section 53a are not funded under this section.

(3) If the funds allocated under this section are insufficient to fully fund the adjustments under subsection (1), the department shall prorate payments under this section on an equal per-pupil basis.

(4) The department shall make payments to districts under this section according to the payment schedule under section 17b.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

***** *388.1625g.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021* *****

388.1625g.amended Pupil counted as more than 1.0 FTE; conditions; payments.

Sec. 25g. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $750,000.00 for 2021-2022 for the purposes of this section. Except as otherwise provided in this section, if the operation of the special membership counting provisions under section 6(4)(dd) and the other membership counting provisions under section 6(4) result in a pupil being counted as more than 1.0 FTE in a fiscal year, then the payment made for the pupil under sections 22a and 22b must not be based on more than 1.0 FTE for that pupil, and that portion of the FTE that exceeds 1.0 is paid under this section in an amount equal to that portion multiplied by the educating district's foundation allowance or per-pupil payment calculated under section 20.

(2) Special education pupils funded under section 53a are not funded under this section.

(3) If the funds allocated under this section are insufficient to fully fund the adjustments under subsection (1), the department shall prorate payments under this section on an equal per-pupil basis.

(4) The department shall make payments to districts under this section according to the payment schedule under section 17b.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1625h Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to payments to eligible districts to reduce the number of high school dropouts.

***** *388.1625i THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1625i.amended* *****

388.1625i Eligible attendance recovery program; eligibility of pupils; program requirements; designation of provider; provider duties.

Sec. 25i. (1) From the general fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $2,000,000.00 for an eligible attendance recovery program as described in subsection (3). The funds allocated under this section must be used to administer an eligible attendance recovery program for all districts that opt into the program to serve eligible pupils described in subsection (2).

(2) A pupil who meets any of the following and who is enrolled in a district that opts into the attendance recovery program funded under this section is an eligible pupil under this section:

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

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

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

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

© Courtesy of www.legislature.mi.gov

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2020.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1625i.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1625i.amended Eligible attendance recovery program; eligibility of pupils; program requirements; provider duties.

Sec. 25i. (1) From the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $6,000,000.00 for an eligible attendance recovery program as described in subsection (3). The funds allocated under this section must be used to administer an eligible attendance recovery program for all districts that opt into the program to serve eligible pupils described in subsection (2).

(2) A pupil who meets any of the following and who is enrolled in a district that opts into the attendance recovery program funded under this section is an eligible pupil under this section:

(a) The pupil did not engage in the district's remote continuous education offerings in spring 2021.

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

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

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

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

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

(g) The pupil participated in or was eligible to participate in the district's summer 2021 educational offerings.

(3) An attendance recovery program that received funding under this section in 2020-2021 is the eligible attendance recovery program under this section.

© Courtesy of www.legislature.mi.gov

(4) The provider chosen and designated by the department under this section in 2020-2021 must continue to do all of the following:

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

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

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

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

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

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

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

(5) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2021.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1625j THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1625j Funding to support certain districts and certain pupils for virtual-only or hybrid mode of instruction; use of funds.

Sec. 25j. (1) From the state school aid fund money appropriated in section 11, there is allocated $2,000,000.00 to intermediate districts for 2020-2021 to be used for the purposes described in subsection (3).

(2) The funding provided to each intermediate district under this section must be based on the number of pupils within the intermediate district who are economically disadvantaged in proportion to the number of economically disadvantaged pupils statewide.

(3) An intermediate district that receives a payment from funds allocated under subsection (1) shall use the funding to support districts that offered in-person instruction at the beginning of the 2019-2020 fiscal year but that began the 2020-2021 fiscal year utilizing a virtual-only mode of instruction or a hybrid of in-person and a virtual mode of instruction. Funds allocated under subsection (1) must be used for the following purposes:

(a) To meet the unique needs of students with an individualized education program.

(b) To address increased numbers of chronically absent pupils, as applicable.

(c) To offer child care solutions for elementary-aged students.

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

(5) As used in this section, "economically disadvantaged" means that term as defined in section 31a.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1626 Receipt or reduction of funds by district or intermediate district.

Sec. 26. A district or intermediate district receiving money pursuant to 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, or the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899, shall have its funds received under section 22b, 56, or 62 reduced by an amount equal to the added local money.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1983, Act 25, Imd. Eff. Apr. 5, 1983;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1990, Act 355, Imd. Eff. Dec. 26, 1990;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

****** 388.1626a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1626a.amended ******

388.1626a Reimbursements to districts and intermediate districts under MCL 125.2692; time of allocations.

Sec. 26a. From the funds appropriated in section 11, there is allocated an amount not to exceed $15,300,000.00 for 2020-2021 to reimburse districts and intermediate districts under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692, for taxes levied in 2020. The department shall pay the allocations not later than 60 days after the department of treasury certifies to the department and to the state budget director that the department of treasury has received all necessary information to properly determine the amounts due to each eligible recipient.

History: Add. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003;—Am. 2003, Act 236, Imd. Eff. Dec. 29, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 236 of 2003 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2003 PA 158 and 2002 PA 521 from state sources for fiscal year 2003-2004 is estimated at $11,290,087,100.00 and state appropriations to be paid to local units of government for fiscal year 2003-2004 are estimated at $11,274,332,800.00.”

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

****** 388.1626a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1626a.amended Reimbursements to districts and intermediate districts under MCL 125.2692; time of allocations.

Sec. 26a. From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $15,300,000.00 for 2021-2022 to reimburse districts and intermediate districts under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692, for taxes levied in 2021. The department shall pay the allocations not later than 60 days after the department of treasury certifies to the department and to the state budget director that the department of treasury has received all necessary information to properly determine the amounts due to each eligible recipient.

History: Add. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003;—Am. 2003, Act 236, Imd. Eff. Dec. 29, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 236 of 2003 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2003 PA 158 and 2002 PA 521 from state sources for fiscal year 2003-2004 is estimated at $11,290,087,100.00 and state appropriations to be paid to local units of government for fiscal year 2003-2004 are estimated at $11,274,332,800.00.”

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

****** 388.1626b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1626b.amended ******

388.1626b Payments to districts, intermediate districts, and community colleges in lieu of tax obligation under MCL 324.2154; prorated payments.

Sec. 26b. (1) From the appropriation in section 11, there is allocated an amount not to exceed $4,645,000.00 for 2020-2021 for payments to districts, intermediate districts, and community college districts for the portion of the payment in lieu of taxes obligation that is attributable to districts, intermediate districts, and community college districts under section 2154 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2154.

(2) If the amount appropriated under this section is not sufficient to fully pay obligations under this section, payments are prorated on an equal basis among all eligible districts, intermediate districts, and community college districts.

History: Add. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1626b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1626b.amended Payments to districts, intermediate districts, and community colleges in lieu of tax obligation under MCL 324.2154; prorated payments.

Sec. 26b. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,710,000.00 for 2021-2022 for payments to districts, intermediate districts, and community college districts for the portion of the payment in lieu of taxes obligation that is attributable to districts, intermediate districts, and community college districts under section 2154 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2154.

(2) If the amount appropriated under this section is not sufficient to fully pay obligations under this section, payments are prorated on an equal basis among all eligible districts, intermediate districts, and community college districts.

History: Add. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1626c Promise zone fund.

Sec. 26c. (1) From the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $11,300,000.00 for 2020-2021 and there is allocated an amount not to exceed $13,800,000.00 for 2021-2022 to the promise zone fund created in subsection (3). The funds allocated under this section reflect the amount of revenue from the collection of the state education tax captured under section 17 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1677.

(2) Funds allocated to the promise zone fund under this section must be used solely for payments to eligible districts and intermediate districts, in accordance with section 17 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1677, that have a promise zone development plan approved by the department of treasury under section 7 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1667. Eligible districts and intermediate districts shall use payments made under this section for reimbursement for qualified educational expenses as that term is defined in section 3 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1663.

(3) The promise zone fund is created as a separate account within the state school aid fund to be used solely for the purposes of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1661 to 390.1679. All of the following apply to the promise zone fund:

(a) The state treasurer shall direct the investment of the promise zone fund. The state treasurer shall credit

© Courtesy of www.legislature.mi.gov

to the promise zone fund interest and earnings from fund investments.

(b) Money in the promise zone fund at the close of a fiscal year remains in the promise zone fund and does not lapse to the general fund.

(4) Subject to subsection (2), the state treasurer may make payments from the promise zone fund to eligible districts and intermediate districts under the Michigan promise zone authority act, 2008 PA 549, MCL 390.1661 to 390.1679, to be used for the purposes of a promise zone authority created under that act.

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

History: Add. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

****** 388.1626d.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1626d.added Reimbursement payments to intermediate districts for tax revenues under MCL 125.2665b.

Sec. 26d. (1) From the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $7,500,000.00 for 2021-2022 for reimbursements to intermediate districts as required under section 15b of the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2665b.

(2) The amounts reimbursed under subsection (1) must be used by the intermediate district only for the purposes for which the property taxes were originally levied.

(3) The Michigan strategic fund and the Michigan economic development corporation shall work with the department of treasury in identifying the amount of tax revenues that are to be reimbursed under subsection (1).

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

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

388.1627 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to allocations to districts.

****** 388.1628 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1628.amended ******

388.1628 Existing weighted foundation allowance allocations or additional payments for differential instructional costs.

Sec. 28. (1) To recognize differentiated instructional costs for different types of pupils in 2020-2021, the following sections provide a weighted foundation allocation or an additional payment of some type in the following amounts, as allocated under those sections:

(a) Section 22d, isolated and rural districts, $7,000,000.00.

(b) Section 31a, at risk, standard programming, $510,000,000.00.

(c) Section 31a, at risk, additional payment, $12,000,000.00.

(d) Section 41, bilingual education for English language learners, $13,000,000.00.

(e) Section 51c, special education, mandated percentages, $713,400,000.00.

(f) Section 51f, special education, additional percentages, $60,207,000.00.

(g) Section 61a, career and technical education, standard reimbursement, $37,611,300.00.

(h) Section 61d, career and technical education incentives, $5,000,000.00.

(2) The funding described in subsection (1) is not a separate allocation of any funding but is instead a listing of funding allocated in the sections listed in subsection (1).

History: Add. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1628, which pertained to a reduction of allocations was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

****** 388.1628.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1628.amended Existing weighted foundation allowance allocations or additional payments for differential instructional costs.

Sec. 28. (1) To recognize differentiated instructional costs for different types of pupils in 2021-2022, the

© Courtesy of www.legislature.mi.gov

following sections provide a weighted foundation allocation or an additional payment of some type in the following amounts, as allocated under those sections:

(a) Section 22d, isolated and rural districts, $8,420,000.00.

(b) Section 31a, at risk, standard programming, $512,500,000.00.

(c) Section 31a, at risk, additional payment, $12,000,000.00.

(d) Section 41, bilingual education for English language learners, $25,200,000.00.

(e) Section 51c, special education, mandated percentages, $733,400,000.00.

(f) Section 51f, special education, additional percentages, $90,207,000.00.

(g) Section 61a, career and technical education, standard reimbursement, $37,611,300.00.

(h) Section 61d, career and technical education incentives, $5,000,000.00.

(2) The funding described in subsection (1) is not a separate allocation of any funding but is instead a listing of funding allocated in the sections listed in subsection (1).

History: Add. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1628, which pertained to a reduction of allocations was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

388.1628a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to transitional allocations to closed federal military installations.

388.1629 Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed section pertained to declining enrollment assistance.

***** *388.1629a THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021* *****

388.1629a Payments to eligible districts; 2020-2021 pupils in membership; calculation.

Sec. 29a. (1) From the state school aid fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $50,000,000.00 for payments as provided under this section to eligible districts described in subsection (2).

(2) A district for which its 2020-2021 pupils in membership exceeds the calculation of membership for that district under section 6(4) for 2020-2021 is an eligible district under this section.

(3) The payment to each eligible district under this section must be equal to the lesser of the eligible district's foundation allowance or the target foundation allowance multiplied by the difference between the eligible district's 2020-2021 pupils in membership and the eligible district's membership for 2020-2021 as calculated under section 6(4).

(4) If funds allocated under this section are insufficient to fully fund the calculations under this section, the department shall apply proration of an equal dollar amount per pupil.

(5) As used in this section, "2020-2021 pupils in membership" means the sum of (the product of .90 times the number of full-time equated pupils engaged in pandemic learning for fall 2020 or, for a district that is a public school academy that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district on pupil membership count day for the current school year) and (the product of .10 times the final audited count from the supplemental count day of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district for the immediately preceding school year).

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

388.1631 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to comprehensive compensatory education programs.

***** *388.1631a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1631a.amended* *****

388.1631a Allocations to eligible districts and eligible public school academies; proficiencies; funding eligibility; early literacy and numeracy; multi-tiered system of supports; weighted foundation per-pupil payment for economically disadvantaged pupils; school breakfast program; primary health care services; hearing and vision screenings; report; audit; implementation of schoolwide reform in schools with at-risk pupils; research-based professional development; instructional or behavioral coaches; prorated

© Courtesy of www.legislature.mi.gov

payments; dissolved district; anti-bullying or crisis intervention program; assignment of Pathways to Potential Success coaches; definitions.

Sec. 31a. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $535,150,000.00 for payments to eligible districts and eligible public school academies for the purposes of ensuring that pupils are proficient in English language arts by the end of grade 3, that pupils are proficient in mathematics by the end of grade 8, that pupils are attending school regularly, that high school graduates are career and college ready, and for the purposes under subsections (7) and (8).

(2) For a district that has combined state and local revenue per membership pupil under section 20 that is greater than the target foundation allowance under section 20 for the current fiscal year and that, for the immediately preceding fiscal year, had combined state and local revenue per membership pupil under section 20 that was greater than the target foundation allowance under section 20 that was in effect for that fiscal year, the allocation under this section is an amount equal to 30% of the allocation for which it would otherwise be eligible under this section before any proration under subsection (14). It is the intent of the legislature that, if revenues are sufficient and if districts with combined state and local revenue per membership pupil under section 20 that is below the target foundation allowance are receiving nonprorated payments under this section, the percentage in the immediately preceding sentence must be increased annually until it reaches 100%. If a district has combined state and local revenue per membership pupil under section 20 that is greater than the target foundation allowance under section 20 for the current fiscal year, but for the 2018-2019 fiscal year had combined state and local revenue per membership pupil under section 20 that was less than the basic foundation allowance under section 20 that was in effect for the 2018-2019 fiscal year, the district shall receive an amount per pupil equal to 11.5% of the statewide weighted average foundation allowance, as applied under subsection (4), and before any proration under subsection (14).

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

(a) Team-based leadership.

(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 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 public school academy for the fiscal year immediately following the first fiscal year in which it is in the community eligibility program. As used in this subparagraph, "identified student percentage" means the quotient of the number of pupils in an eligible district or eligible public school academy who are determined to be economically disadvantaged, as reported to the center in a form and manner prescribed by the center, not later than the fifth Wednesday after the pupil membership count day in the fiscal year preceding the first fiscal year in which the eligible district or eligible public school

© Courtesy of www.legislature.mi.gov

academy is in the community eligibility program, divided by the total number of pupils counted in an eligible district or eligible public school academy on the pupil membership count day in the fiscal year preceding the first fiscal year in which the eligible district or eligible public school academy is in the community eligibility program.

(b) If the district or public school academy began operations as a district or public school academy after the pupil membership count day of the immediately preceding school year, 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 current fiscal year.

(c) If the district or public school academy began operations as a district or public school academy after the pupil membership count day of the current fiscal year, 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 supplemental count day of the current fiscal year.

(d) If, for a particular fiscal year, the number of membership pupils in a district or public school academy who are determined under subdivision (a) to be economically disadvantaged or to be eligible based on the identified student percentage varies by more than 20 percentage points from the number of those pupils in the district or public school academy as calculated under subdivision (a) for the immediately preceding fiscal year caused by an egregious reporting error by the district or public school academy, the department may choose to have the calculations under subdivision (a) instead be made using 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 supplemental count day of the immediately preceding fiscal year.

(5) Except as otherwise provided in this section, a district or public school academy receiving funding under this section shall use that money only to provide instructional programs and direct noninstructional services, including, but not limited to, medical, mental health, or counseling services, for at-risk pupils; for school health clinics; and for the purposes of subsection (6), (7), or (8). In addition, a district that is a school district of the first class or a district or public school academy in which at least 50% of the pupils in membership were determined to be economically disadvantaged in the immediately preceding state 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 allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $8,000,000.00 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 allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $5,150,000.00 for the state portion of the hearing and vision screenings as described in section 9301 of the public health code, 1978 PA 368, MCL 333.9301. A local public health department shall pay at least 50% of the total cost of the screenings. The frequency of the screenings must be as required under R 325.13091 to R 325.13096 and R 325.3271 to R 325.3276 of the Michigan Administrative Code. Funds must be awarded in a form and manner approved jointly by the department and the department of health and human services. Notwithstanding section 17b, the department shall make payments to eligible entities under this subsection on a schedule determined by the department.

(9) Each district or public school academy receiving funds under this section shall submit to the department by July 15 of each fiscal year a report, in the form and manner prescribed by the department, that includes a brief description of each program conducted or services performed by the district or public school academy using funds under this section, the amount of funds under this section allocated to each of those

© Courtesy of www.legislature.mi.gov

programs or services, the total number of at risk pupils served by each of those programs or services, and the data necessary for the department and the department of health and human services to verify matching funds for the temporary assistance for needy families program. In prescribing the form and manner of the report, the department shall ensure that districts are allowed to expend funds received under this section on any activities that are permissible under this section. If a district or public school academy does not comply with this subsection, the department shall withhold an amount equal to the August payment due under this section until the district or public school academy complies with this subsection. If the district or public school academy does not comply with this subsection by the end of the fiscal year, the withheld funds are forfeited to the school aid fund.

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

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

(12) A district or public school academy that receives funds under this section may use up to 7.5% of those funds to provide research based professional development and to implement a coaching model that supports the multi-tiered system of supports framework. Professional development may be provided to district and school leadership and teachers and must be aligned to professional learning standards; integrated into district, school building, and classroom practices; and solely related to the following:

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

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

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

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

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

(16) From the funds allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $12,000,000.00 for payments to districts and public school academies that otherwise received an allocation under this subsection for 2019-2020 and whose allocation under this section for 2019-2020, excluding any payments under subsection (7) or (8), would have been more than the district's or public school academy's allocation under this section for 2020-2021 as calculated under subsection (4) only and as adjusted under subsection (14). The allocation for each district or public school academy under this subsection is an amount equal to its allocation under this section for 2019-2020 minus its allocation as otherwise calculated under subsection (4) for 2020-2021, as adjusted by subsection (14), using in those calculations the 2017-2018 number of pupils determined to be economically disadvantaged. However, if the allocation as otherwise calculated under this subsection would have been less than $0.00, the allocation under this subsection is $0.00. If necessary, and before any proration required under section 296, the department shall prorate payments under this subsection by reducing the amount of the allocation as otherwise calculated under this subsection by an equal percentage per district or public school academy. Any unexpended funds under this subsection are to be distributed through payments made under subsection (4) as provided under subsection (4), but those funds must not be factored into calculating payments under this subsection.

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

© Courtesy of www.legislature.mi.gov

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

(19) As used in this section:

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

(*i*) The pupil is economically disadvantaged.

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

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

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

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

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

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

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

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

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

(b) "Economically disadvantaged" means a pupil who has been determined eligible for free or reduced-price meals as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j; who is in a household receiving supplemental nutrition assistance program or temporary assistance for needy families assistance; or who is homeless, migrant, or in foster care, as reported to the center.

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

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

History: Add. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Imd. Eff. July 12, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2004, Act 593, Imd. Eff. Jan. 5, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 121, Imd. Eff. Apr. 14, 2006;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003 an amount not to exceed $319,095,200.00” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Compiler's note: Enacting section 1 of Act 476 of 2014 provides:

"Enacting section 1. Section 31a of the state school aid act of 1979, 1979 PA 94, MCL 388.1631a, as amended by this amendatory act, does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

House Joint Resolution UU was presented to the electors as Proposal 15-1 at the May 5, 2015 special election. The proposal to amend the constitution was not approved by the voters and Act 476 of 2014 does not go into effect.

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

****** 388.1631a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1631a.amended Allocations to eligible districts and eligible public school academies; proficiencies; funding eligibility; early literacy and numeracy; multi-tiered system of supports; weighted foundation per-pupil payment for economically disadvantaged pupils; school breakfast program; primary health care services; hearing and vision screenings; report; audit; implementation of schoolwide reform in schools with at-risk pupils; research-based professional development; pre-kindergarten instructional and noninstructional services; prorated payments; dissolved district; anti-bullying or crisis intervention program; assignment of Pathways to Potential success coaches; definitions.

Sec. 31a. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $537,650,000.00, and from the general fund money appropriated in section 11 there is allocated for 2021-2022 an amount not to exceed $1,500,000.00, for payments to eligible districts and eligible public school academies for the purposes of ensuring that pupils are proficient in English language arts by the end of grade 3, that pupils are proficient in mathematics by the end of grade 8, that pupils are attending school regularly, that high school graduates are career and college ready, and for the purposes under subsections (7) and (8).

(2) For a district that has combined state and local revenue per membership pupil under section 20 that is greater than the target foundation allowance under section 20 for the current fiscal year and that, for the immediately preceding fiscal year, had combined state and local revenue per membership pupil under section 20 that was greater than the target foundation allowance under section 20 that was in effect for that fiscal year, the allocation under subsection (4) is an amount equal to 35% of the allocation for which it would otherwise be eligible under subsection (4) before any proration under subsection (15). It is the intent of the legislature that, if revenues are sufficient and if districts with combined state and local revenue per membership pupil under section 20 that is below the target foundation allowance are receiving nonprorated payments under subsection (4), the percentage in the immediately preceding sentence must be increased annually until it reaches 100%. If a district has combined state and local revenue per membership pupil under

© Courtesy of www.legislature.mi.gov

section 20 that is greater than the target foundation allowance under section 20 for the current fiscal year, but for the 2018-2019 fiscal year had combined state and local revenue per membership pupil under section 20 that was less than the basic foundation allowance under section 20 that was in effect for the 2018-2019 fiscal year, the district shall receive an amount per pupil equal to 11.5% of the statewide weighted average foundation allowance, as applied under subsection (4), and before any proration under subsection (15).

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

(a) Team-based leadership.

(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 state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $512,500,000.00 to continue a weighted foundation per pupil payment for districts and public school academies enrolling economically disadvantaged pupils. The department shall pay under this subsection 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 public school academy for the fiscal year immediately following the first fiscal year in which it is in the community eligibility program. As used in this subparagraph, "identified student percentage" means the quotient of the number of pupils in an eligible district or eligible public school academy who are determined to be economically disadvantaged, as reported to the center in a form and manner prescribed by the center, not later than the fifth Wednesday after the pupil membership count day in the fiscal year preceding the first fiscal year in which the eligible district or eligible public school academy is in the community eligibility program, divided by the total number of pupils counted in an eligible district or eligible public school academy on the pupil membership count day in the fiscal year preceding the first fiscal year in which the eligible district or eligible public school academy is in the community eligibility program.

(b) If the district or public school academy began operations as a district or public school academy after the pupil membership count day of the immediately preceding school year, 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 current fiscal year.

(c) If the district or public school academy began operations as a district or public school academy after the pupil membership count day of the current fiscal year, 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 supplemental count day of the current fiscal year.

(d) If, for a particular fiscal year, the number of membership pupils in a district or public school academy who are determined under subdivision (a) to be economically disadvantaged or to be eligible based on the identified student percentage varies by more than 20 percentage points from the number of those pupils in the district or public school academy as calculated under subdivision (a) for the immediately preceding fiscal year caused by an egregious reporting error by the district or public school academy, the department may choose to

© Courtesy of www.legislature.mi.gov

have the calculations under subdivision (a) instead be made using 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 supplemental count day of the immediately preceding fiscal year.

(5) Except as otherwise provided in this section, a district or public school academy receiving funding under this section shall use that money only to provide instructional programs and direct noninstructional services, including, but not limited to, medical, mental health, or counseling services, for at-risk pupils; for school health clinics; and for the purposes of subsection (6), (7), or (8). In addition, a district that is a school district of the first class or a district or public school academy in which at least 50% of the pupils in membership were determined to be economically disadvantaged in the immediately preceding state fiscal year, as determined and reported as described in subsection (4), may use the funds it receives under this section for school security or school parent liaison personnel. The uses of the funds described in the immediately preceding sentence must align to the needs assessment and the multi-tiered system of supports model and, for funds spent on parent liaison personnel, must connect parents to the school community. A district or public school academy shall not use any of the money received under this section 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 state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $8,000,000.00 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 (15) for that fiscal year.

(8) From the state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $5,150,000.00 for the state portion of the hearing and vision screenings as described in part 93 of the public health code, 1978 PA 368, MCL 333.9301 to 333.9329, and, from the general fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $1,500,000.00 for the state portion of the dental screenings as described in part 93 of the public health code, 1978 PA 368, MCL 333.9301 to 333.9329. A local public health department shall pay at least 50% of the total cost of the screenings. The frequency of the vision screenings must be as required under R 325.13091 to R 325.13096 of the Michigan Administrative Code and the frequency of the hearing screenings must be as required under R 325.3271 to R 325.3276 of the Michigan Administrative Code. Funds must be awarded in a form and manner approved jointly by the department and the department of health and human services. Notwithstanding section 17b, the department shall make payments to eligible entities under this subsection on a schedule determined by the department.

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

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

© Courtesy of www.legislature.mi.gov

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

(12) A district or public school academy that receives funds under this section may use those funds to provide research based professional development and to implement a coaching model that supports the multi-tiered system of supports framework. Professional development may be provided to district and school leadership and teachers and must be aligned to professional learning standards; integrated into district, school building, and classroom practices; and solely related to the following:

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

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

(13) A district or public school academy that receives funds under subsection (4) or (17) may use funds received under subsection (4) or (17) for support staff providing services to at-risk pupils.

(14) A district or public school academy that receives funds under this section may use up to 10% of the funds received under this section to provide evidence-based instruction for pre-kindergarten instructional and noninstructional services to children who meet at least 1 of the criteria in subsection (20)(a)(*i*) to (*x*).

(15) If necessary, and before any proration required under section 296, the department shall prorate payments under this section, except payments under subsection (7), (8), or (17), by reducing the amount of the allocation as otherwise calculated under this section by an equal percentage per district.

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

(17) From the state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $12,000,000.00 for payments to districts and public school academies that otherwise received an allocation under this subsection for 2020-2021 and whose allocation under this section for 2020-2021, excluding any payments under subsection (7) or (8), would have been more than the district's or public school academy's allocation under this section for 2021-2022 as calculated under subsection (4) only and as adjusted under subsection (15). The allocation for each district or public school academy under this subsection is an amount equal to its allocation under this section for 2020-2021 minus its allocation as otherwise calculated under subsection (4) for 2021-2022 as adjusted by subsection (15), using in those calculations the 2017-2018 number of pupils determined to be economically disadvantaged. However, if the allocation as otherwise calculated under this subsection would have been less than $0.00, the allocation under this subsection is $0.00. If necessary, and before any proration required under section 296, the department shall prorate payments under this subsection by reducing the amount of the allocation as otherwise calculated under this subsection by an equal percentage per district or public school academy. Any unexpended funds under this subsection are to be distributed through payments made under subsection (4) as provided under subsection (4), but those funds must not be factored into calculating payments under this subsection.

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

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

(20) As used in this section:

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

(*i*) The pupil is economically disadvantaged.

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

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

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

© Courtesy of www.legislature.mi.gov

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

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

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

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

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

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

(b) "Economically disadvantaged" means a pupil who has been determined eligible for free or reduced-price meals as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j; who is in a household receiving supplemental nutrition assistance program or temporary assistance for needy families assistance; or who is homeless, migrant, or in foster care, as reported to the center.

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

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

History: Add. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Imd. Eff. July 12, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2004, Act 593, Imd. Eff. Jan. 5, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 121, Imd. Eff. Apr. 14, 2006;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003 an amount not to exceed $319,095,200.00” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Compiler's note: Enacting section 1 of Act 476 of 2014 provides:

"Enacting section 1. Section 31a of the state school aid act of 1979, 1979 PA 94, MCL 388.1631a, as amended by this amendatory act, does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

House Joint Resolution UU was presented to the electors as Proposal 15-1 at the May 5, 2015 special election. The proposal to amend the constitution was not approved by the voters and Act 476 of 2014 does not go into effect.

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1631b Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to grants for balanced calendar instructional programs.

388.1631c Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's note: The repealed section pertained to programs to improve public safety, reduce number of youth in gang-related activity, and increase high school graduation rates.

388.1631d Reimbursement to districts and other eligible entities providing lunch programs, child nutrition programs, and food distribution programs.

Sec. 31d. (1) From the appropriations in section 11, there is allocated an amount not to exceed $23,838,400.00 for 2020-2021 and there is allocated an amount not to exceed $23,838,400.00 for 2021-2022 for the purpose of making payments to districts and other eligible entities under this section.

(2) The amounts allocated from state sources under this section are used to pay the amount necessary to reimburse districts for 6.0127% of the necessary costs of the state mandated portion of lunch programs provided by those districts. The department shall calculate the amount due to each district under this section using the methods of calculation adopted by the Michigan supreme court in the consolidated cases known as *Durant v State of Michigan*, 456 Mich 175 (1997).

(3) The payments made under this section include all state payments made to districts so that each district receives at least 6.0127% of the necessary costs of operating the state mandated portion of the lunch program in a fiscal year.

(4) The payments made under this section to districts and other eligible entities that are not required under section 1272a of the revised school code, MCL 380.1272a, to provide a lunch program must be in an amount not to exceed $10.00 per eligible pupil plus 5 cents for each free lunch and 2 cents for each reduced price lunch provided, as determined by the department.

(5) From the federal funds appropriated in section 11, there is allocated for 2020-2021 all available federal funding, estimated at $800,000,000.00, and there is allocated for 2021-2022 all available federal funding, estimated at $545,000,000.00 for child nutrition programs and, for 2020-2021, all available federal funding, estimated at $15,712,000.00 for food distribution programs, $50,000,000.00 for the child nutrition program pandemic electronic benefit transfer cost reimbursement program, $50,000,000.00 for child nutrition program emergency operational cost reimbursement programs, and $259,600.00 for commodity supplemental fund programs, and, for 2021-2022, all available federal funding, estimated at $11,000,000.00, for food distribution programs.

(6) Notwithstanding section 17b, the department shall make payments to eligible entities other than districts under this section on a schedule determined by the department.

(7) In purchasing food for a lunch program funded under this section, a district or other eligible entity shall give preference to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

History: Add. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Imd.

© Courtesy of www.legislature.mi.gov

Eff. Aug. 11, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1631e Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's note: The repealed section pertained to reimbursement for cost of providing breakfast.

388.1631f School breakfast program costs; reimbursement payments; preference to food grown or produced by Michigan businesses.

Sec. 31f. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $11,900,000.00 for 2020-2021 and there is allocated an amount not to exceed $11,900,000.00 for 2021-2022 for the purpose of making payments to districts to reimburse for the cost of providing breakfast.

(2) The funds allocated under this section for school breakfast programs are made available to all eligible applicant districts that meet all of the following criteria:

(a) The district participates in the federal school breakfast program and meets all standards as prescribed by 7 CFR parts 210, 220, 225, 226, and 245.

(b) Each breakfast eligible for payment meets the federal standards described in subdivision (a).

(3) The payment for a district under this section is at a per meal rate equal to the lesser of the district's actual cost or 100% of the statewide average cost of a meal served, as determined and approved by the department, less federal reimbursement, participant payments, and other state reimbursement. The department shall determine the statewide average cost using costs as reported in a manner approved by the department for

© Courtesy of www.legislature.mi.gov

the preceding school year.

(4) Notwithstanding section 17b, the department may make payments under this section pursuant to an agreement with the department.

(5) In purchasing food for a school breakfast program funded under this section, a district shall give preference to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

History: Add. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1631g Repealed. 2015, Act 5, Imd. Eff. Mar. 10, 2015.

Compiler's note: The repealed section pertained to allocation for contract with provider to provide online, research-based, secure, personal health and nutrition education software platform in sample of pilot schools.

388.1631h Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's note: The repealed section pertained to funding districts that educate nonresident pupils as result of high school closures.

****** 388.1631j THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1631j.amended ******

388.1631j Districts and sponsors of child care centers; purchase of Michigan-grown fruits and vegetables; competitive grant program; use of funds; matching reimbursement; report.

Sec. 31j. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $200,000.00 and from the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,800,000.00 for 2020-2021 for a program to support districts and sponsors of child care centers in the purchase of locally grown fruits and vegetables as described in this section.

(2) Funding retained by districts and the sponsors of child care centers that administer the program must not exceed 10%, and funding retained by the department for administration must not exceed 6%. A district or the sponsor of a child care center may enter into a memorandum of understanding with the department or another district or sponsor of a child care center, or both, to administer the program. If the department administers the program for a district or the sponsor of a child care center, the department may retain up to

© Courtesy of www.legislature.mi.gov

10% of that district's or sponsor's funding for administration or may distribute some or all of that 10% to project partners as appropriate.

(3) The department shall develop and implement a competitive grant program for districts and sponsors of child care centers to assist in paying for the costs incurred by the district or the sponsor of the child care center to purchase or increase purchases of whole or minimally processed fruits, vegetables, and legumes grown in this state. The maximum amount that may be drawn down on a grant to a district or the sponsor of a child care center is based on the number of meals served by the district during the previous school year under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j, or meals served by the sponsor of the child care center in the previous school year. The department shall collaborate with the Michigan department of agriculture and rural development to provide training to newly participating schools and sponsors of child care centers and electronic information on Michigan agriculture.

(4) The goals of the program under this section include improving daily nutrition and eating habits for children through the school and child care settings while investing in Michigan's agricultural and related food business economy.

(5) A district or the sponsor of a child care center that receives a grant under this section shall use those funds for the costs incurred by the district or the sponsor to purchase whole or minimally processed fruits, vegetables, and legumes that meet all of the following:

(a) Were purchased for the 2020-2021 fiscal year, including purchases to launch meals in August 2020 and September 2020.

(b) Are grown in this state and, if minimally processed, are also processed in this state.

(c) Are used for meals that are served as part of the United States Department of Agriculture's child nutrition programs.

(6) For Michigan-grown fruits, vegetables, and legumes that satisfy the requirements of subsection (5), the department shall make matching reimbursements in an amount not to exceed 10 cents for every school meal that is served as part of the United States Department of Agriculture's child nutrition programs and that uses Michigan-grown fruits, vegetables, and legumes.

(7) A district or the sponsor of a child care center that receives a grant for reimbursement under this section shall use the grant to purchase whole or minimally processed fruits, vegetables, and legumes that are grown in this state and, if minimally processed, are also processed in this state.

(8) In awarding grants under this section, the department shall work in conjunction with districts and sponsors of child care centers, in consultation with Michigan-based farm to school resource organizations, to develop scoring criteria that assess an applicant's ability to procure Michigan-grown products, prepare and menu Michigan-grown products, promote and market Michigan-grown products, and submit letters of intent from districts or the sponsors of child care centers on plans for educational activities that promote the goals of the program.

(9) The department shall give preference to districts or sponsors of child care centers that propose educational activities that meet 1 or more of the following: promote healthy food activities; have clear educational objectives; involve parents or the community; connect to a school's or child care center's farm-to-school or farm-to-early-child-care procurement activities; and market and promote the program, leading to increased pupil knowledge and consumption of Michigan-grown products. The department shall give stronger weighting and consideration to applications with robust marketing and promotional activities.

(10) In awarding grants, the department shall also consider all of the following:

(a) The percentage of children who qualify for free or reduced price school meals under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j.

(b) The variety of school or child care center sizes and geographic locations within the identified prosperity regions.

(c) The existing or future collaboration opportunities between more than 1 district or child care center.

(11) As a condition of receiving a grant under this section, a district or the sponsor of a child care center shall provide or direct its vendors to provide to the department copies of monthly receipts that show the quantity of different Michigan-grown fruits, vegetables, and legumes purchased, the amount of money spent on each of these products, the name and Michigan location of the farm that grew the products, and the methods or plans to market and promote the program. The district or the sponsor of a child care center also shall provide to the department monthly lunch numbers and lunch participation rates and calendars or monthly menus noting when and how Michigan-grown products were used in meals. The district or the sponsor of the child care center and school or child care center food service director or directors also shall agree to respond to brief online surveys and to provide a report that shows the percentage relationship of Michigan spending compared to total food spending. Not later than 60 days after the end of the school year in which funds under this section were received, each district or each sponsor of a child care center shall submit a report to the

© Courtesy of www.legislature.mi.gov

department on outcomes and related measurements for economic development and children's nutrition and readiness to learn. The report must include at least both of the following:

(a) The extent to which farmers and related businesses, including distributors and processors, saw an increase in market opportunities and income generation through sales of Michigan or local products to districts and sponsors of child care centers. All of the following apply for purposes of this subdivision:

(*i*) The data used to determine the amount of this increase are the total dollar amount of Michigan or local fruits, vegetables, and legumes purchased by schools and sponsors of child care centers, along with the number of different types of products purchased; school and child care center food purchasing trends identified along with products that are of new and growing interest among food service directors; the number of businesses impacted; and the percentage of total food budget spent on Michigan-grown fruits, vegetables, and legumes.

(*ii*) The district or the sponsor of a child care center shall use purchasing data collected for the program and surveys of school and child care food service directors on the impact and success of the program as the source for the data described in subparagraph (*i*).

(b) The ability to which pupils can access a variety of healthy Michigan-grown foods through schools and child care centers and increase their consumption of those foods. All of the following apply for purposes of this subdivision:

(*i*) The data used to determine whether this subdivision is met are the number of pupils exposed to Michigan-grown fruits, vegetables, and legumes at schools and child care centers; the variety of products served; new items taste-tested or placed on menus; and the increase in pupil willingness to try new local healthy foods.

(*ii*) The district or the sponsor of a child care center shall use purchasing data collected for the project, meal count and enrollment numbers, school menu calendars, and surveys of school and child care food service directors as the source for the data described in subparagraph (*i*).

(12) The department shall compile the reports provided by districts and sponsors of child care centers under subsection (11) into 1 legislative report. The department shall provide this report not later than November 1, 2021 to the house and senate subcommittees responsible for state school aid, the house and senate fiscal agencies, and the state budget director.

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

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1631j.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1631j.amended Districts and other non-school sponsors; purchase of Michigan-grown fruits and vegetables; competitive grant program; use of funds; matching reimbursement; report.

Sec. 31j. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $500,000.00 and from the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,500,000.00 for 2021-2022 for a program to support districts and other non-school sponsors in the purchase of locally grown fruits and vegetables as described in this section.

(2) Funding under this section retained by the department for administration must not exceed 5%. Funding under this section retained by project partners for data collection outreach and training must not exceed 1% for each partner.

(3) The department shall develop and implement a competitive grant program for districts and other non-school sponsors to assist in paying for the costs incurred by the district or other non-school sponsor to purchase or increase purchases of whole or minimally processed fruits, vegetables, and legumes grown in this state. The maximum amount that may be drawn down on a grant to a district or other non-school sponsor is based on the number of meals served by the district during the previous school year under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j, or meals served by the other non-school sponsor in the previous school year. The department shall collaborate with the Michigan department of agriculture and rural development to provide training to newly participating schools and other non-school sponsors and electronic information on Michigan agriculture.

(4) The goals of the program under this section include improving daily nutrition and eating habits for children through the school and child care settings while investing in Michigan's agricultural and related food business economy.

© Courtesy of www.legislature.mi.gov

(5) A district or other non-school sponsor that receives a grant under this section shall use those funds for the costs incurred by the district or the sponsor to purchase whole or minimally processed fruits, vegetables, and legumes that meet all of the following:

(a) Were purchased for use in school meals served between September 1, 2021 through August 30, 2022.

(b) Are grown in this state and, if minimally processed, are also processed in this state.

(c) Are used for meals that are served as part of the United States Department of Agriculture's child nutrition programs.

(6) For Michigan-grown fruits, vegetables, and legumes that satisfy the requirements of subsection (5), the department shall make matching reimbursements in an amount not to exceed 10 cents for every school meal that is served as part of the United States Department of Agriculture's child nutrition programs and that uses Michigan-grown fruits, vegetables, and legumes.

(7) A district or other non-school sponsor that receives a grant for reimbursement under this section shall use the grant to purchase whole or minimally processed fruits, vegetables, and legumes that are grown in this state and, if minimally processed, are also processed in this state.

(8) In awarding grants under this section, the department shall work in consultation with Michigan-based farm to school resource organizations, to develop scoring criteria that assess an applicant's ability to procure Michigan-grown products, prepare and menu Michigan-grown products, promote and market Michigan-grown products, and submit letters of intent from districts or other non-school sponsors on plans for educational activities that promote the goals of the program.

(9) The department shall give preference to districts or other non-school sponsors that propose educational activities that meet 1 or more of the following: promote healthy food activities; have clear educational objectives; involve parents or the community; connect to a school's or child care center's farm-to-school or farm-to-early-child-care procurement activities; and market and promote the program, leading to increased pupil knowledge and consumption of Michigan-grown products. The department shall give stronger weighting and consideration to applications with robust marketing and promotional activities.

(10) In awarding grants, the department shall also consider all of the following:

(a) The percentage of children who qualify for free or reduced price school meals under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j.

(b) The variety of school or child care center sizes and geographic locations within the identified prosperity regions.

(c) The existing or future collaboration opportunities between more than 1 district or child care center.

(11) As a condition of receiving a grant under this section, a district or other non-school sponsor shall provide or direct its vendors to provide to the department copies of monthly receipts that show the quantity of different Michigan-grown fruits, vegetables, and legumes purchased, the amount of money spent on each of these products, the name and Michigan location of the farm that grew the products, and the methods or plans to market and promote the program. The district or other non-school sponsor also shall provide to the department monthly United States Department of Agriculture child nutrition reimbursable meal numbers and participation rates and must retain monthly menus noting when and how Michigan-grown products were used in meals. The district or other non-school sponsor and school or non-school sponsor food service director or directors also shall agree to respond to brief online surveys and to provide a report that shows the percentage relationship of Michigan spending compared to total food spending. Not later than 60 days after the end of the school year in which funds under this section were received, each district or each non-school sponsor shall submit a report to the department on outcomes and related measurements for economic development and children's nutrition and readiness to learn. The report must include at least both of the following:

(a) The extent to which farmers and related businesses, including distributors and processors, saw an increase in market opportunities and income generation through sales of Michigan or local products to districts and other non-school sponsors. All of the following apply for purposes of this subdivision:

(*i*) The data used to determine the amount of this increase are the total dollar amount of Michigan or local fruits, vegetables, and legumes purchased by schools and other non-school sponsors, along with the number of different types of products purchased; school and non-school sponsor food purchasing trends identified along with products that are of new and growing interest among food service directors; the number of businesses impacted; and the percentage of total food budget spent on Michigan-grown fruits, vegetables, and legumes.

(*ii*) The district or other non-school sponsor shall use purchasing data collected for the program and surveys of school and non-school sponsor food service directors on the impact and success of the program as the source for the data described in subparagraph (*i*).

(b) The ability to which pupils can access a variety of healthy Michigan-grown foods through schools and other non-school sponsor centers and increase their consumption of those foods. All of the following apply for

© Courtesy of www.legislature.mi.gov

purposes of this subdivision:

(*i*) The data used to determine whether this subdivision is met are the number of pupils exposed to Michigan-grown fruits, vegetables, and legumes at schools and non-school sponsor centers; the variety of products served; new items taste-tested or placed on menus; and the increase in pupil willingness to try new local healthy foods.

(*ii*) The district or other non-school sponsor shall use purchasing data collected for the project, meal count and enrollment numbers, school menu calendars, and surveys of school and non-school sponsor food service directors as the source for the data described in subparagraph (*i*).

(12) The department shall compile the reports provided by districts and other non-school sponsors under subsection (11) into 1 legislative report. The department shall provide this report not later than November 1, 2022 to the house and senate subcommittees responsible for school aid, the house and senate fiscal agencies, and the state budget director.

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

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1631k THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1631k For 2020-2021 payments to eligible districts for student-meal debt; application; reimbursement; policy requirements.

Sec. 31k. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 only an amount not to exceed $1,000,000.00 for payments to eligible districts as described in this section.

(2) Subject to subsection (6), districts requesting funding under this section must apply in a form and manner prescribed by the department by not later than December 1, 2020. However, districts requesting funding under this section through a second application described in subsection (6) must apply in a form and manner prescribed by the department by not later than May 1, 2021.

(3) A district that demonstrates to the department that all outstanding student-meal debt has been forgiven is an eligible district under this section.

(4) Subject to subsection (9), the department shall provide payments to eligible districts in an amount necessary to reimburse the eligible districts for the cost of forgiving all outstanding student-meal debt.

(5) Notwithstanding section 17b, the department shall make reimbursement payments under subsection (4) to all eligible districts by not later than 60 days after December 1, 2020.

(6) Subject to subsection (9), if the amount paid to eligible districts under subsection (4) is less than the amount allocated under subsection (1), the department may distribute the remaining funds to eligible districts through a second application in an amount necessary to reimburse eligible districts for the cost of forgiving all outstanding student-meal debt. An eligible district receiving a reimbursement payment under subsection (4) is not eligible for a reimbursement payment through a second application under this subsection.

(7) Except as otherwise provided under subsection (6) and notwithstanding section 17b, the department shall make reimbursement payments under subsection (6) as provided under subsection (6) to all eligible districts by not later than 60 days after May 1, 2021.

(8) An eligible district receiving payments under this section shall adopt policies to prevent public identification or stigmatization of pupils who cannot pay for a school meal. These policies must prohibit all of the following:

(a) Requiring pupils who cannot pay for a school meal or who owe a student-meal debt to wear a wristband or handstamp.

(b) Requiring pupils who cannot pay for a school meal or who owe a student-meal debt to perform chores or other work to pay for school meals.

(c) Requiring a pupil to dispose of a meal after it has been served because the pupil is unable to pay for the meal or owes a student-meal debt.

(d) Communicating directly with a pupil about a student-meal debt unless the district has attempted to contact, but has been unsuccessful in communicating with, a pupil's parent or legal guardian through telephone, mail, and electronic mail.

(e) Discussing a pupil's student-meal debt in the presence of other pupils.

(9) If the amount allocated under this section is insufficient to fully reimburse the cost of student-meal debt

© Courtesy of www.legislature.mi.gov

forgiveness for all eligible districts, the department shall prorate the reimbursement on an equal percentage per district.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1631m THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1631m.amended ******

388.1631m School mental health and support services fund; creation; deposit of money; money remaining end of the year; expenditures.

Sec. 31m. (1) The school mental health and support services fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the school mental health and support services fund. The state treasurer shall direct the investment of the school mental health and support services fund and shall credit to the school mental health and support services fund interest and earnings from the school mental health and support services fund.

(3) Money available in the school mental health and support services fund shall not be expended without a specific appropriation.

(4) Money in the school mental health and support services fund at the close of the fiscal year shall remain in the school mental health and support services fund and shall not lapse to the state school aid fund or to the general fund. The department of treasury shall be the administrator of the school mental health and support services fund for auditing purposes.

(5) For the fiscal year ending September 30, 2018, $30,000,000.00 from the state school aid fund shall be deposited into the school mental health and support services fund to be used to support efforts to improve mental health and support services for K-12 pupils in this state, including, but not limited to, improved access to counseling services, educational awareness programs, and enhanced mental health and clinical services.

History: Add. 2018, Act 265, Imd. Eff. June 28, 2018.

****** 388.1631m.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1631m.amended School mental health and support services fund; creation; deposit of money; money lapses; expenditures.

Sec. 31m. (1) The school mental health and support services fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the school mental health and support services fund. The state treasurer shall direct the investment of the school mental health and support services fund and shall credit to the school mental health and support services fund interest and earnings from the school mental health and support services fund.

(3) Money available in the school mental health and support services fund must not be expended without a specific appropriation.

(4) Money in the school mental health and support services fund at the close of the fiscal year lapses to the state school aid fund. The department of treasury shall be the administrator of the school mental health and support services fund for auditing purposes.

(5) For the fiscal year ending September 30, 2018, $30,000,000.00 from the state school aid fund shall be deposited into the school mental health and support services fund to be used to support efforts to improve mental health and support services for K-12 pupils in this state, including, but not limited to, improved access to counseling services, educational awareness programs, and enhanced mental health and clinical services.

History: Add. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1631n THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1631n.amended ******

388.1631n Licensed behavioral health providers for general education pupils; advisory council; application; services by child and adolescent health centers; services to nonpublic students.

Sec. 31n. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 for the purposes of this section an amount not to exceed $55,600,000.00 and from the general fund money appropriated in section 11, there is allocated for 2020-2021 for the purposes of this section an amount not to exceed $1,300,000.00. The department and the department of health and human services shall continue

© Courtesy of www.legislature.mi.gov

a program to distribute this funding to add licensed behavioral health providers for general education pupils, and shall continue to seek federal Medicaid match funding for all eligible mental health and support services.

(2) The department and the department of health and human services shall maintain an advisory council for programs funded under this section. The advisory council shall define goals for implementation of programs funded under this section, and shall provide feedback on that implementation. At a minimum, the advisory council shall consist of representatives of state associations representing school health, school mental health, school counseling, education, health care, and other organizations, representatives from the department and the department of health and human services, and a representative from the school safety task force created under Executive Order No. 2018-5. The department and department of health and human services, working with the advisory council, shall determine an approach to increase capacity for mental health and support services in schools for general education pupils, and shall determine where that increase in capacity qualifies for federal Medicaid match funding.

(3) The advisory council shall develop a fiduciary agent checklist for intermediate districts to facilitate development of a plan to submit to the department and to the department of health and human services. The department and department of health and human services shall determine the requirements and format for intermediate districts to submit a plan for possible funding under subsection (5). The department shall make applications for funding for this program available to districts and intermediate districts not later than December 1, 2020 for the 2020-2021 fiscal year and shall award the funding not later than February 1, 2021 for the 2020-2021 fiscal year.

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

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

(6) From the state school aid fund money allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $45,800,000.00 to be distributed to intermediate districts for the provision of mental health and support services to general education students. From the funds allocated under this subsection, the department shall distribute $817,800.00 for 2020-2021 to each intermediate district that submits a plan approved by the department and the department of health and human services. The department and department of health and human services shall work cooperatively in providing oversight and assistance to intermediate districts during the plan submission process and shall monitor the program upon implementation. An intermediate district shall use funds awarded under this subsection to provide funding to its constituent districts, including public school academies that are considered to be constituent districts under section 705(7) of the revised school code, MCL 380.705, for the provision of mental health and support services to general education students. In addition to the criteria identified under subsection (7), an intermediate district shall consider geography, cost, or other challenges when awarding funding to its constituent districts. For 2020-2021 only, even if grants under this subsection have already been received by constituent districts of an intermediate district under this subsection, the intermediate district may award additional grants to its constituent districts from funding allocated through the amendatory act that added this sentence, based on applications as described in subsection (7) that have already been submitted for the fiscal year, and, if a constituent district did not apply for initial grants as described in subsection (7) before the effective date of the amendatory act that added this sentence and asks to apply for the additional grants described in this sentence, the intermediate district must allow the constituent district to submit an application for the additional grant funding. If funding awarded to an intermediate district remains after funds are provided by the intermediate district to its constituent districts, the intermediate district may hire or contract for experts to

© Courtesy of www.legislature.mi.gov

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Beginning with 2018-2019, a district or intermediate district that receives funding directly or indirectly under this section may carry over any unexpended funds received under this section for up to 2

© Courtesy of www.legislature.mi.gov

fiscal years beyond the fiscal year in which the funds were received.

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021.

****** 388.1631n.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1631n.amended Licensed behavioral health providers for general education pupils; advisory council; application; services by child and adolescent health centers; services to nonpublic students; measurements of outcomes and performance.

Sec. 31n. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 for the purposes of this section an amount not to exceed $52,600,000.00 and from the general fund money appropriated in section 11, there is allocated for 2021-2022 for the purposes of this section an amount not to exceed $1,300,000.00. The department and the department of health and human services shall continue a program to distribute this funding to add licensed behavioral health providers for general education pupils, and shall continue to seek federal Medicaid match funding for all eligible mental health and support services.

(2) The department and the department of health and human services shall maintain an advisory council for programs funded under this section. The advisory council shall define goals for implementation of programs funded under this section, and shall provide feedback on that implementation. At a minimum, the advisory council shall consist of representatives of state associations representing school health, school mental health, school counseling, education, health care, and other organizations, representatives from the department and the department of health and human services, and a representative from the school safety task force created under Executive Order No. 2018-5. The department and department of health and human services, working with the advisory council, shall determine an approach to increase capacity for mental health and support services in schools for general education pupils, and shall determine where that increase in capacity qualifies for federal Medicaid match funding.

(3) The advisory council shall develop a fiduciary agent checklist for intermediate districts to facilitate development of a plan to submit to the department and to the department of health and human services. The department and department of health and human services shall determine the requirements and format for intermediate districts to submit a plan for possible funding under subsection (6). The department shall make applications for funding for this program available to districts and intermediate districts not later than December 1, 2021 for the 2021-2022 fiscal year and shall award the funding not later than February 1, 2022 for the 2021-2022 fiscal year.

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

(5) From the state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $14,300,000.00 to be distributed to the network of child and adolescent health centers to place a licensed master's level behavioral health provider in schools that do not currently have services available to general education students. Child and adolescent health centers that are part of the network described in this subsection shall provide a commitment to maintain services and implement all available federal Medicaid match methodologies. The department of health and human services shall use all existing or additional federal Medicaid match opportunities to maximize funding allocated under this subsection. The department shall provide funds under this subsection to child and adolescent health centers that are part of the network described in this subsection in the same proportion that funding under section 31a(7) is provided to child and adolescent health centers that are part of the network described in this subsection and that are located and operating in those districts. A payment from funding allocated under this subsection must not be paid to an entity that is not part of the network described in this subsection.

(6) From the state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $37,800,000.00 to be distributed to intermediate districts for the provision of mental health and support services to general education students. If a district or intermediate district is not able to procure the services of a licensed master's level behavioral health provider, the district or intermediate district shall notify the department and the department of health and human services and, if the department and department of health and human services verify that the district or intermediate district attempted to procure services from a master's level behavioral health provider and was not able to do so, then the district or intermediate district may instead procure services from a provider with less than a master's degree in

© Courtesy of www.legislature.mi.gov

behavioral health. To be able to use the exemption in the immediately preceding sentence, the district or intermediate district must submit evidence satisfactory to the department and department of health and human services demonstrating that the district or intermediate district took measures to procure the services of a licensed master's level behavioral health provider but was unable to do so, and the department and department of health and human services must be able to verify this evidence. From the first $32,200,000.00 of the funds allocated under this subsection, the department shall distribute $575,000.00 for 2021-2022 to each intermediate district that submits a plan approved by the department and the department of health and human services. The department shall distribute the remaining $5,600,000.00 of the funds allocated under this subsection for 2021-2022 to intermediate districts on an equal per-pupil basis based on the combined total number of pupils in membership in the intermediate district and its constituent districts, including public school academies that are considered to be constituent districts under section 705(7) of the revised school code, MCL 380.705. The department and department of health and human services shall work cooperatively in providing oversight and assistance to intermediate districts during the plan submission process and shall monitor the program upon implementation. An intermediate district shall use funds awarded under this subsection to provide funding to its constituent districts, including public school academies that are considered to be constituent districts under section 705(7) of the revised school code, MCL 380.705, for the provision of mental health and support services to general education students. In addition to the criteria identified under subsection (7), an intermediate district shall consider geography, cost, or other challenges when awarding funding to its constituent districts. Districts receiving funding under this subsection are encouraged to provide suicide prevention and awareness education and counseling. If funding awarded to an intermediate district remains after funds are provided by the intermediate district to its constituent districts, the intermediate district may hire or contract for experts to provide mental health and support services to general education students residing within the boundaries of the intermediate district, including, but not limited to, expanding, hiring, or contracting for staff and experts to provide those services directly or to increase access to those services through coordination with outside mental health agencies; and the intermediate district is encouraged to provide suicide prevention and awareness education and counseling. If funding awarded to an intermediate district under this section for 2018-2019 or 2019-2020 remains unspent as of April 1, 2022, the department, in conjunction with the intermediate district, may reallocate the funds to another intermediate district or other intermediate districts capable of expending the funds before September 30, 2022 in accordance with this section as if those funds were originally allocated to the intermediate district or intermediate districts to which the funds are being reallocated.

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

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

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

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

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

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

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

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

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

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

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

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

© Courtesy of www.legislature.mi.gov

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

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

(a) For 2021-2022, an amount not to exceed $1,000,000.00 for the purpose of upgrading technology and systems infrastructure and other administrative requirements to support the programs funded under this section.

(b) For 2021-2022, an amount not to exceed $300,000.00 for the purpose of administering the programs under this section and working on generating additional Medicaid funds as a result of programs funded under this section.

(10) From the state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $500,000.00 to intermediate districts on an equal per intermediate district basis for the purpose of administering programs funded under this section.

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

(12) A district or intermediate district that receives funding directly or indirectly under this section may carry over any unexpended funds received under this section for up to 2 fiscal years beyond the fiscal year in which the funds were received.

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1631o.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1631o.added Payments to eligible districts for school psychologists, school social workers, school counselors, and school nurses; application; payment schedule and calculations.

Sec. 31o. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $240,000,000.00 for payments to eligible districts for the purpose of increasing the number of school psychologists, school social workers, school counselors, and school nurses serving students in this state.

(2) Except as otherwise provided in this subsection, to receive funding under this section, a district must apply for the funding in a form and manner prescribed by the department. In its application for funding under this section, a district must pledge and provide assurances to the department that it will fully annually fund all staff that are supported with funding under this section in an ongoing manner after the third year it receives funding under this section.

(3) The department shall award funding to districts with the greatest need for additional school psychologists, school social workers, school counselors, or school nurses. To determine the districts with the greatest needs under this subsection, the department shall consider the physical and mental health services available at the district and how close an applicant district is to meeting the following recommended staff-to-student ratios:

(a) 1 school psychologist for every 500 full-time equated pupils counted in the district.

(b) 1 school social worker for every 250 full-time equated pupils counted in the district.

(c) 1 school counselor for every 250 full-time equated pupils counted in the district.

(d) 1 school nurse for every 750 full-time equated pupils counted in the district.

(4) To be eligible for funding under this section, a district must hire additional school psychologists, school social workers, school counselors, or school nurses by March 1, 2022 and must maintain support for the new staff in an ongoing manner. As determined by the department, staff hired and supported by funding under this section must meet all applicable state and federal laws, rules, and license requirements to be considered a

© Courtesy of www.legislature.mi.gov

school psychologist, school social worker, school counselor, or school nurse.

(5) Subject to subsection (6), payments to eligible districts must be made as follows:

(a) In the first year funds are distributed from this section, the department shall provide payments to eligible districts equal to 100% of the annual cost of newly hired school psychologists, school social workers, school counselors, or school nurses. The amount paid to the eligible district must be the lesser of the actual cost of the employee, as determined by the department, or the median wage for an equivalent employee working in a school setting, as determined by the department, using wage data from the Bureau of Labor Statistics that is specific to this state.

(b) In the second year funds are distributed under this section, the department shall pay eligible districts 66% of the amount paid to the eligible district under subdivision (a).

(c) In the third year funds are distributed under this section, the department shall pay eligible districts 33% of the amount paid to the eligible district under subdivision (a).

(6) If, after awarding funding under subsection (3) and calculating payment amounts under subsection (5), the department determines that the amount allocated in subsection (1) is insufficient to fully fund payments under this section, the department shall prorate payments to eligible districts on an equal percentage basis.

(7) The funds allocated under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 are carried forward into 2022-2023. The purpose of the work project is to increase the number of school psychologists, school social workers, school counselors, and school nurses in school buildings. The estimated completion date of the work project is September 30, 2024.

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

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

388.1631p TRAILS program; grants to intermediate districts; work project.

Sec. 31p. (1) From the state school aid fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $5,400,000.00 for grants to intermediate districts to implement a TRAILS program as described in subsection (2).

(2) Intermediate districts receiving funding under this section must use the funding to implement a TRAILS program within the boundaries of the intermediate district. The TRAILS program described in this subsection must improve youth access to evidence-based mental health services by training school mental health professionals in effective practices, such as cognitive behavioral therapy and mindfulness.

(3) The department shall establish a grant process to distribute funds under this section.

(4) The department shall award, in an equal amount, grants under this section to each intermediate district that has an approved grant application for funding under this section.

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

(6) The funds allocated under this section for 2020-2021 are a work project appropriation, and any unexpended funds for 2020-2021 are carried forward into 2021-2022. The purpose of the work project is to continue support for the TRAILS program. The estimated completion date of the work project is September 30, 2024.

History: Add. 2021, Act 48, Imd. Eff. July 13, 2021.

****** 388.1631y.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1631y.added Payments for year-round, balanced calendars; work project.

Sec. 31y. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $60,000,000.00 to make payments to districts that operate year-round, balanced calendars during the 2021-2022 school year. Payments to districts made under this section must be in an amount equal to 3% applied to the district's foundation allowance as calculated under section 20, for each pupil enrolled and educated in a year-round balanced calendar by the district. If the funds allocated under this section are insufficient to fully fund the calculations under this section, funding must be prorated on an equal per-pupil basis.

(2) The funds allocated under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 are carried forward into 2022-2023. The purpose of the work project is to provide operational payments for districts utilizing a balanced calendar. The estimated completion date of the work project is September 30, 2024.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

© Courtesy of www.legislature.mi.gov

****** 388.1631z.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1631z.added Capital infrastructure grants to districts; matching grants; year-round, balanced calendar commitment.

Sec. 31z. (1) From the federal funds allocated under section 11n, there is allocated $75,000,000.00 for 2021-2022 from the federal funding awarded to this state from the coronavirus state fiscal recovery fund under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2, to provide capital infrastructure grants to districts.

(2) From the funds allocated under subsection (1), $75,000,000.00 must be allocated for matching grants to districts for HVAC and other one-time infrastructure or equipment costs necessary to operate a year-round, balanced calendar. A district that receives a grant under this subsection shall commit to operating a year-round, balanced calendar in the 2022-2023 school year, and if it is unable to do so, the department must deduct the amount of the grant paid under this subsection from the district's state aid payments that are otherwise due to the district under this article during the 2022-2023 school year. The department shall establish a sliding scale for grant payments under this section such that districts that received higher total ESSER payments under section 11r, evaluated on a per-pupil and total dollar basis, receive smaller matching grants than those with lower total ESSER payments, evaluated on a per-pupil and total dollar basis.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

388.1632 Repealed. 2008, Act 268, Eff. Oct. 1, 2008.

Compiler's note: The repealed section pertained to additional state school aid fund revenue.

388.1632a Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to funding for all students achieve program.

388.1632b Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to early childhood investment corporation.

388.1632c Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed section pertained to grants for community-based collaborative prevention services.

****** 388.1632d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1632d.amended ******

388.1632d Great start readiness programs; use of funds; eligibility; competitive grant; longitudinal evaluation; comprehensive part-day, school-day, or GSRP/Head Start blended programs; application for funding; form and manner; counting enrolled pupils; blended program; designation of early childhood coordinator; retention of funds for administrative services; outreach, recruiting, and public awareness; household income; contract process; contract with community-based providers for percentage of total allocation; submission of satisfactory evidence; report; definitions; tuition rate sliding scale; reimbursement of transportation costs; classroom level quality assessments; supplemental curriculum; professional development and training materials for educators; use of AmeriCorps Pre-K Reading Corps members; pandemic learning; applicability of household income eligibility thresholds; funding for intermediate districts for great start readiness programs for subrecipients.

Sec. 32d. (1) From the funds appropriated in section 11, there is allocated to eligible intermediate districts and consortia of intermediate districts for great start readiness programs an amount not to exceed $249,600,000.00 for 2020-2021. An intermediate district or consortium shall use funds allocated under this section for great start readiness programs to provide part-day, school-day, or GSRP/Head Start blended comprehensive free compensatory classroom programs designed to improve the readiness and subsequent achievement of educationally disadvantaged children who meet the participant eligibility and prioritization guidelines as defined by the department. For a child to be eligible to participate in a program under this section, the child must be at least 4, but less than 5, years of age as of September 1 of the school year in which the program is offered and must meet those eligibility and prioritization guidelines. A child who is not 4 years of age as of September 1, but who will be 4 years of age not later than December 1, is eligible to participate if the child's parent or legal guardian seeks a waiver from the September 1 eligibility date by submitting a request for enrollment in a program to the responsible intermediate district, if the program has capacity on or

© Courtesy of www.legislature.mi.gov

after September 1 of the school year, and if the child meets eligibility and prioritization guidelines.

(2) From the funds allocated under subsection (1), an amount not to exceed $247,600,000.00 is allocated to intermediate districts or consortia of intermediate districts based on the formula in section 39. An intermediate district or consortium of intermediate districts receiving funding under this section shall act as the fiduciary for the great start readiness programs. In order to be eligible to receive funds allocated under this subsection from an intermediate district or consortium of intermediate districts, a district, a consortium of districts, or a public or private for-profit or nonprofit legal entity or agency must comply with this section and section 39.

(3) In addition to the allocation under subsection (1), from the general fund money appropriated under section 11, there is allocated an amount not to exceed $350,000.00 for 2020-2021 for a competitive grant to continue a longitudinal evaluation of children who have participated in great start readiness programs. This evaluation must include, to the extent, for 2020-2021, that data from the kindergarten readiness assessment are available, a comparative analysis of the relationship between great start readiness programs and performance on the kindergarten readiness assessment funded under section 104. The evaluation must use children wait-listed under this section for comparison, must include a determination of the specific great start readiness program in which the kindergarten students were enrolled and attended in the previous school year, and must, to the extent, for 2020-2021, that data from the Michigan kindergarten entry observation tool are available, analyze Michigan kindergarten entry observation tool scores for students taking the Michigan kindergarten entry observation tool each year and produce a report as required under section 104. The performance data on the kindergarten readiness assessment must be submitted to the center at the same time as the fall Michigan student data system collection. The responsibility for the analysis required under this subsection may be added to the requirements that the department currently has with its competitively designated current grantee.

(4) To be eligible for funding under this section, a program must prepare children for success in school through comprehensive part-day, school-day, or GSRP/Head Start blended programs that contain all of the following program components, as determined by the department:

(a) Participation in a collaborative recruitment and enrollment process to assure that each child is enrolled in the program most appropriate to his or her needs and to maximize the use of federal, state, and local funds.

(b) An age-appropriate educational curriculum that is in compliance with the early childhood standards of quality for prekindergarten children adopted by the state board, including, at least, the Connect4Learning curriculum.

(c) Nutritional services for all program participants supported by federal, state, and local resources as applicable.

(d) Physical and dental health and developmental screening services for all program participants.

(e) Referral services for families of program participants to community social service agencies, including mental health services, as appropriate.

(f) Active and continuous involvement of the parents or guardians of the program participants.

(g) A plan to conduct and report annual great start readiness program evaluations and continuous improvement plans using criteria approved by the department.

(h) Participation in a school readiness advisory committee convened as a workgroup of the great start collaborative that provides for the involvement of classroom teachers, parents or guardians of program participants, and community, volunteer, and social service agencies and organizations, as appropriate. The advisory committee annually shall review and make recommendations regarding the program components listed in this subsection. The advisory committee also shall make recommendations to the great start collaborative regarding other community services designed to improve all children's school readiness.

(i) The ongoing articulation of the kindergarten and first grade programs offered by the program provider.

(j) Participation in this state's great start to quality process with a rating of at least 3 stars.

(5) An application for funding under this section must provide for the following, in a form and manner determined by the department:

(a) Ensure compliance with all program components described in subsection (4).

(b) Except as otherwise provided in this subdivision or section, ensure that at least 90% of the children participating in an eligible great start readiness program for whom the intermediate district is receiving funds under this section are children who live with families with a household income that is equal to or less than 250% of the federal poverty guidelines. If the intermediate district determines that all eligible children are being served and that there are no children on the waiting list who live with families with a household income that is equal to or less than 250% of the federal poverty guidelines, the intermediate district may then enroll children who live with families with a household income that is equal to or less than 300% of the federal poverty guidelines. The enrollment process must consider income and risk factors, such that children determined with higher need are enrolled before children with lesser need. For purposes of this subdivision

© Courtesy of www.legislature.mi.gov

and subsection (27), all age-eligible children served in foster care or who are experiencing homelessness or who have individualized education programs recommending placement in an inclusive preschool setting are considered to live with families with household income equal to or less than 250% of the federal poverty guidelines regardless of actual family income and are prioritized for enrollment within the lowest quintile.

(c) Ensure that the applicant only uses qualified personnel for this program, as follows:

(*i*) Teachers possessing proper training. A lead teacher must have a valid teaching certificate with an early childhood (ZA or ZS) endorsement or a bachelor's or higher degree in child development or early childhood education with specialization in preschool teaching. However, if an applicant demonstrates to the department that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, teachers who have significant but incomplete training in early childhood education or child development may be used if the applicant provides to the department, and the department approves, a plan for each teacher to come into compliance with the standards in this subparagraph. A teacher's compliance plan must be completed within 2 years of the date of employment. Progress toward completion of the compliance plan consists of at least 2 courses per calendar year.

(*ii*) Paraprofessionals possessing proper training in early childhood education, including an associate's degree in early childhood education or child development or the equivalent, or a child development associate (CDA) credential. However, if an applicant demonstrates to the department that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, the applicant may use paraprofessionals who have completed at least 1 course that earns college credit in early childhood education or child development if the applicant provides to the department, and the department approves, a plan for each paraprofessional to come into compliance with the standards in this subparagraph. A paraprofessional's compliance plan must be completed within 2 years of the date of employment. Progress toward completion of the compliance plan consists of at least 2 courses or 60 clock hours of training per calendar year.

(d) Include a program budget that contains only those costs that are not reimbursed or reimbursable by federal funding, that are clearly and directly attributable to the great start readiness program, and that would not be incurred if the program were not being offered. Eligible costs include transportation costs. The program budget must indicate the extent to which these funds will supplement other federal, state, local, or private funds. An applicant shall not use funds received under this section to supplant any federal funds received by the applicant to serve children eligible for a federally funded preschool program that has the capacity to serve those children.

(6) For a grant recipient that enrolls pupils in a school-day program funded under this section, each child enrolled in the school-day program is counted as described in section 39 for purposes of determining the amount of the grant award.

(7) For a grant recipient that enrolls pupils in a GSRP/Head Start blended program, the grant recipient shall ensure that all Head Start and GSRP policies and regulations are applied to the blended slots, with adherence to the highest standard from either program, to the extent allowable under federal law.

(8) An intermediate district or consortium of intermediate districts receiving a grant under this section shall designate an early childhood coordinator, and may provide services directly or may contract with 1 or more districts or public or private for-profit or nonprofit providers that, except as otherwise provided in this section, meet all requirements of subsections (4) and (5).

(9) An intermediate district or consortium of intermediate districts may retain for administrative services provided by the intermediate district or consortium of intermediate districts an amount not to exceed 4% of the grant amount. Expenses incurred by subrecipients engaged by the intermediate district or consortium of intermediate districts for directly running portions of the program are considered program costs or a contracted program fee for service. Subrecipients operating with a federally approved indirect rate for other early childhood programs may include indirect costs, not to exceed the federal 10% de minimis.

(10) An intermediate district or consortium of intermediate districts may expend not more than 2% of the total grant amount for outreach, recruiting, and public awareness of the program.

(11) Except as otherwise provided in this section, each grant recipient shall enroll children identified under subsection (5)(b) according to how far the child's household income is below 250% of the federal poverty guidelines by ranking each applicant child's household income from lowest to highest and dividing the applicant children into quintiles based on how far the child's household income is below 250% of the federal poverty guidelines, and then enrolling children in the quintile with the lowest household income before enrolling children in the quintile with the next lowest household income until slots are completely filled. If the grant recipient determines that all eligible children are being served and that there are no children on the waiting list who live with families with a household income that is equal to or less than 250% of the federal poverty guidelines, the grant recipient may then enroll children who live with families with a household income that is equal to or less than 300% of the federal poverty guidelines. The enrollment process must

© Courtesy of www.legislature.mi.gov

consider income and risk factors, such that children determined with higher need are enrolled before children with lesser need. For purposes of this subsection and subsection (27), all age-eligible children served in foster care or who are experiencing homelessness or who have individualized education programs recommending placement in an inclusive preschool setting are considered to live with families with household income equal to or less than 250% of the federal poverty guidelines regardless of actual family income and are prioritized for enrollment within the lowest quintile.

(12) An intermediate district or consortium of intermediate districts receiving a grant under this section shall allow parents of eligible children who are residents of the intermediate district or within the consortium to choose a program operated by or contracted with another intermediate district or consortium of intermediate districts and shall enter into a written agreement regarding payment, in a manner prescribed by the department.

(13) An intermediate district or consortium of intermediate districts receiving a grant under this section shall conduct a local process to contract with interested and eligible public and private for-profit and nonprofit community-based providers that meet all requirements of subsection (4) for at least 30% of its total allocation. For the purposes of this 30% allocation, an intermediate district or consortium of intermediate districts may count children served by a Head Start grantee or delegate in a blended Head Start and great start readiness school-day program. Children served in a program funded only through Head Start are not counted toward this 30% allocation. The intermediate district or consortium shall report to the department, in a manner prescribed by the department, a detailed list of community-based providers by provider type, including private for-profit, private nonprofit, community college or university, Head Start grantee or delegate, and district or intermediate district, and the number and proportion of its total allocation allocated to each provider as subrecipient. If the intermediate district or consortium is not able to contract for at least 30% of its total allocation, the grant recipient shall notify the department and, if the department verifies that the intermediate district or consortium attempted to contract for at least 30% of its total allocation and was not able to do so, then the intermediate district or consortium may retain and use all of its allocation as provided under this section. To be able to use this exemption, the intermediate district or consortium shall demonstrate to the department that the intermediate district or consortium increased the percentage of its total allocation for which it contracts with a community-based provider and the intermediate district or consortium shall submit evidence satisfactory to the department, and the department must be able to verify this evidence, demonstrating that the intermediate district or consortium took measures to contract for at least 30% of its total allocation as required under this subsection, including, but not limited to, at least all of the following measures:

(a) The intermediate district or consortium notified each nonparticipating licensed child care center located in the service area of the intermediate district or consortium regarding the center's eligibility to participate, in a manner prescribed by the department.

(b) The intermediate district or consortium provided to each nonparticipating licensed child care center located in the service area of the intermediate district or consortium information regarding great start readiness program requirements and a description of the application and selection process for community-based providers.

(c) The intermediate district or consortium provided to the public and to participating families a list of community-based great start readiness program subrecipients with a great start to quality rating of at least 3 stars.

(14) If an intermediate district or consortium of intermediate districts receiving a grant under this section fails to submit satisfactory evidence to demonstrate its effort to contract for at least 30% of its total allocation, as required under subsection (13), the department shall reduce the allocation to the intermediate district or consortium by a percentage equal to the difference between the percentage of an intermediate district's or consortium's total allocation awarded to community-based providers and 30% of its total allocation.

(15) In order to assist intermediate districts and consortia in complying with the requirement to contract with community-based providers for at least 30% of their total allocation, the department shall do all of the following:

(a) Ensure that a great start resource center or the department provides each intermediate district or consortium receiving a grant under this section with the contact information for each licensed child care center located in the service area of the intermediate district or consortium by March 1 of each year.

(b) Provide, or ensure that an organization with which the department contracts provides, a community-based provider with a validated great start to quality rating within 90 days of the provider's having submitted a request and self-assessment.

(c) Ensure that all intermediate district, district, community college or university, Head Start grantee or delegate, private for-profit, and private nonprofit providers are subject to a single great start to quality rating

© Courtesy of www.legislature.mi.gov

system. The rating system must ensure that regulators process all prospective providers at the same pace on a first-come, first-served basis and must not allow 1 type of provider to receive a great start to quality rating ahead of any other type of provider.

(d) Not later than March 1 of each year, compile the results of the information reported by each intermediate district or consortium under subsection (13) and report to the legislature a list by intermediate district or consortium with the number and percentage of each intermediate district's or consortium's total allocation allocated to community-based providers by provider type, including private for-profit, private nonprofit, community college or university, Head Start grantee or delegate, and district or intermediate district.

(16) A recipient of funds under this section shall report to the center in a form and manner prescribed by the center the information necessary to derive the number of children participating in the program who meet the program eligibility criteria under subsection (5)(b), subject to subsection (27), the number of eligible children not participating in the program and on a waitlist, and the total number of children participating in the program by various demographic groups and eligibility factors necessary to analyze equitable and priority access to services for the purposes of subsection (3).

(17) As used in this section:

(a) "GSRP/Head Start blended program", except as otherwise provided in this section, means a part-day program funded under this section and a Head Start program, which are combined for a school-day program.

(b) "Federal poverty guidelines" means the guidelines published annually in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902.

(c) "Part-day program", except as otherwise provided in this section, means a program that operates at least 4 days per week, 30 weeks per year, for at least 3 hours of teacher-child contact time per day but for fewer hours of teacher-child contact time per day than a school-day program.

(d) "School-day program", except as otherwise provided in this section, means a program that operates for at least the same length of day as a district's first grade program for a minimum of 4 days per week, 30 weeks per year. A classroom that offers a school-day program must enroll all children for the school day to be considered a school-day program.

(18) An intermediate district or consortium of intermediate districts receiving funds under this section shall establish and charge tuition according to a sliding scale of tuition rates based upon household income for children participating in an eligible great start readiness program who live with families with a household income that is more than 250%, but, for 2020-2021 only, who live with families with a household income that is more than 400% of the federal poverty guidelines to be used by all of its providers, as approved by the department.

(19) From the amount allocated in subsection (2), there is allocated for 2020-2021 an amount not to exceed $10,000,000.00 for reimbursement of transportation costs for children attending great start readiness programs funded under this section. To receive reimbursement under this subsection, not later than November 1 of each year, a program funded under this section that provides transportation shall submit to the intermediate district that is the fiscal agent for the program a projected transportation budget. The amount of the reimbursement for transportation under this subsection is no more than the projected transportation budget or $300.00 multiplied by the number of children funded for the program under this section. If the amount allocated under this subsection is insufficient to fully reimburse the transportation costs for all programs that provide transportation and submit the required information, the department shall prorate the reimbursement in an equal amount per child funded. The department shall make payments to the intermediate district that is the fiscal agent for each program, and the intermediate district shall then reimburse the program provider for transportation costs as prescribed under this subsection.

(20) Subject to, and from the funds allocated under, subsection (19), the department shall reimburse a program for transportation costs related to parent- or guardian-accompanied transportation provided by transportation service companies, buses, or other public transportation services. To be eligible for reimbursement under this subsection, a program must submit to the intermediate district or consortia of intermediate districts all of the following:

(a) The names of families provided with transportation support along with a documented reason for the need for transportation support and the type of transportation provided.

(b) Financial documentation of actual transportation costs incurred by the program, including, but not limited to, receipts and mileage reports, as determined by the department.

(c) Any other documentation or information determined necessary by the department.

(21) The department shall implement a process to review and approve age-appropriate comprehensive classroom level quality assessments for GSRP grantees that support the early childhood standards of quality

© Courtesy of www.legislature.mi.gov

for prekindergarten children adopted by the state board. The department shall make available to intermediate districts at least 2 classroom level quality assessments that were approved in 2018.

(22) An intermediate district that is a GSRP grantee may approve the use of a supplemental curriculum that aligns with and enhances the age-appropriate educational curriculum in the classroom. If the department objects to the use of a supplemental curriculum approved by an intermediate district, the superintendent shall establish a review committee independent of the department. The review committee shall meet within 60 days of the department registering its objection in writing and provide a final determination on the validity of the objection within 60 days of the review committee's first meeting.

(23) The department shall implement a process to evaluate and approve age-appropriate educational curricula that are in compliance with the early childhood standards of quality for prekindergarten children adopted by the state board.

(24) From the funds allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $2,000,000.00 for payments to intermediate districts or consortia of intermediate districts for professional development and training materials for educators in programs implementing new curricula.

(25) A great start readiness program or a GSRP/Head Start blended program funded under this section is permitted to utilize AmeriCorps Pre-K Reading Corps members in classrooms implementing research-based early literacy intervention strategies.

(26) For the 2020-2021 program year only, the hours, days, and weeks specified within the definitions under subsection (17)(a), (c), and (d) do not apply to all grantees and subrecipients under this section. However, for the 2020-2021 fiscal year only, grantees and subrecipients shall, at a minimum, provide pandemic learning and programming on-site, at a different location, in-person, online, digitally, by other remote means, in a synchronous or asynchronous format, or through any combination therein that results in an amount of hours, days, and weeks necessary to deliver the educational or course content that would have been delivered in a year in which pandemic learning was not provided and that complies with requirements developed by the department. The department shall publish uniform guidance concerning requirements under this subsection for age-appropriate instruction that is provided online, digitally, or by other remote means as part of pandemic learning and programming provided under this subsection. As used in this subsection, "pandemic learning" means a mode of instruction provided as a result of the COVID-19 pandemic.

(27) For the 2020-2021 program year only, household income eligibility thresholds requiring household incomes that are equal to or less than 250% of the federal poverty guidelines under subsections (5)(b) and (11) do not apply for all grantees and subrecipients under this section. However, for the 2020-2021 program year, all grantees and subrecipients must continue to enroll children in the quintile with the lowest household income first before enrolling the next quintile and must implement the ranking process described in subsection (11) by first enrolling children from households with incomes that are equal to or less than 250% of the federal poverty guidelines, then enrolling children from households with incomes that are equal to an amount that is greater than 250% but less than or equal to 300% of the federal poverty guidelines, then enrolling children from households with incomes equal to an amount that is greater than 300% but less than or equal to 350% of the federal poverty guidelines, and then continuing enrollment in an order increasing in percentage from a percentage greater than 350% in relation to the federal poverty guidelines until all available slots are filled.

(28) For the 2020-2021 program year only, intermediate districts will be awarded funding based on the total allocation under subsection (1) and the funding must be allocated to intermediate districts as prescribed under section 39. To receive funding as described in this subsection, an intermediate district must complete the department's process for accepting funds and implement its existing local process for funding current subrecipients under this section, including, but not limited to, adding any necessary new subrecipients and implementation of the program. Intermediate districts described in this subsection must report the children served under this section to the center for data-tracking purposes. The data described in this subsection must not be used to determine funding for the 2020-2021 program year or hold harmless funding levels for 2021-2022. Hold harmless funding for 2021-2022 must be determined based on the 2019-2020 final allocations under this section. Both of the following apply for the 2020-2021 program year:

(a) An intermediate district and its subrecipients under this section must conform to typical expenditures related to the operation of great start readiness programs to ensure the stability of the programs, including, but not limited to, ongoing program and staff costs.

(b) Funding remaining after serving all eligible children, in accordance with subsections (5)(b) and (11), subject to subsection (27), or remaining from other program savings due to pandemic learning must be used for the betterment of the program under this section and must be approved by the department. Intermediate districts and subrecipients under this section may only spend in accordance with the provisions of this subdivision if the intermediate district or subrecipient has demonstrated to the satisfaction of the department

© Courtesy of www.legislature.mi.gov

that no eligible children are on waitlists for the programs operated by the intermediate district or subrecipients under this section.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In the first and last sentences of subsection (1), as amended by Act 121 of 2001, the phrases “and 2002-2003” and “and for 2002-2003” were vetoed by the governor September 28, 2001.

In subsection (2), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

****** 388.1632d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1632d.amended Great start readiness programs; use of funds; eligibility; competitive grant; longitudinal evaluation; comprehensive part-day, school-day, or GSRP/Head Start blended programs; application for funding; form and manner; counting enrolled pupils; blended program; designation of early childhood coordinator; retention of funds for administrative services; outreach, recruiting, and public awareness; household income; contract process; contract with community-based providers for percentage of total allocation; submission of satisfactory evidence; report; definitions; tuition rate sliding scale; reimbursement of transportation costs; classroom level quality assessments; supplemental curriculum; professional development and training materials for educators; use of AmeriCorps Pre-K Reading Corps members.

© Courtesy of www.legislature.mi.gov

Sec. 32d. (1) From the state school aid fund money appropriated in section 11, there is allocated to eligible intermediate districts and consortia of intermediate districts for great start readiness programs an amount not to exceed $297,120,000.00 for 2021-2022. In addition, from the federal funds allocated in section 11n, there is allocated to eligible intermediate districts and consortia of intermediate districts for great start readiness programs an amount not to exceed $121,000,000.00 for 2021-2022 from the coronavirus state fiscal recovery funds under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2. An intermediate district or consortium shall use funds allocated under this section for great start readiness programs to provide part-day, school-day, or GSRP/Head Start blended comprehensive free compensatory classroom programs designed to improve the readiness and subsequent achievement of educationally disadvantaged children who meet the participant eligibility and prioritization guidelines as defined by the department. For a child to be eligible to participate in a program under this section, the child must be at least 4, but less than 5, years of age as of September 1 of the school year in which the program is offered and must meet those eligibility and prioritization guidelines. A child who is not 4 years of age as of September 1, but who will be 4 years of age not later than December 1, is eligible to participate if the child's parent or legal guardian seeks a waiver from the September 1 eligibility date by submitting a request for enrollment in a program to the responsible intermediate district, if the program has capacity on or after September 1 of the school year, and if the child meets eligibility and prioritization guidelines.

(2) From the state school aid fund money allocated under subsection (1), an amount not to exceed $295,120,000.00 and from the federal funds allocated under subsection (1), an amount not to exceed $121,000,000.00 is allocated to intermediate districts or consortia of intermediate districts based on the formula in section 39. An intermediate district or consortium of intermediate districts receiving funding under this section shall act as the fiduciary for the great start readiness programs. An intermediate district or consortium of intermediate districts receiving funding under this section may collaborate with local governments to identify children eligible for programs funded under this section and may contract with local governments to provide services. In order to be eligible to receive funds allocated under this subsection from an intermediate district or consortium of intermediate districts, a district, a consortium of districts, a local government, or a public or private for-profit or nonprofit legal entity or agency must comply with this section and section 39. The funds allocated under this subsection for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 are carried forward into 2022-2023. The purpose of the work project is to continue to improve access to preschool programming for economically disadvantaged children. The estimated completion date of the work project described in the immediately preceding sentence is September 30, 2023.

(3) In addition to the allocation under subsection (1), from the general fund money appropriated under section 11, there is allocated an amount not to exceed $350,000.00 for 2021-2022 for a competitive grant to continue a longitudinal evaluation of children who have participated in great start readiness programs.

(4) To be eligible for funding under this section, a program must prepare children for success in school through comprehensive part-day, school-day, or GSRP/Head Start blended programs that contain all of the following program components, as determined by the department:

(a) Participation in a collaborative recruitment and enrollment process to assure that each child is enrolled in the program most appropriate to his or her needs and to maximize the use of federal, state, and local funds.

(b) An age-appropriate educational curriculum that is in compliance with the early childhood standards of quality for prekindergarten children adopted by the state board, including, at least, the Connect4Learning curriculum.

(c) Nutritional services for all program participants supported by federal, state, and local resources as applicable.

(d) Physical and dental health and developmental screening services for all program participants.

(e) Referral services for families of program participants to community social service agencies, including mental health services, as appropriate.

(f) Active and continuous involvement of the parents or guardians of the program participants.

(g) A plan to conduct and report annual great start readiness program evaluations and continuous improvement plans using criteria approved by the department.

(h) Participation in a school readiness advisory committee convened as a workgroup of the great start collaborative that provides for the involvement of classroom teachers, parents or guardians of program participants, and community, volunteer, and social service agencies and organizations, as appropriate. The advisory committee annually shall review and make recommendations regarding the program components listed in this subsection. The advisory committee also shall make recommendations to the great start collaborative regarding other community services designed to improve all children's school readiness.

(i) The ongoing articulation of the kindergarten and first grade programs offered by the program provider.

© Courtesy of www.legislature.mi.gov

(j) Participation in this state's great start to quality process with a rating of at least 3 stars.

(5) An application for funding under this section must provide for the following, in a form and manner determined by the department:

(a) Ensure compliance with all program components described in subsection (4).

(b) Except as otherwise provided in this subdivision, ensure that at least 85% of the children participating in an eligible great start readiness program for whom the intermediate district is receiving funds under this section are children who live with families with a household income that is equal to or less than 250% of the federal poverty guidelines. If the intermediate district determines that all eligible children are being served and that there are no children on the waiting list who live with families with a household income that is equal to or less than 250% of the federal poverty guidelines, the intermediate district may then enroll children who live with families with a household income that is equal to or less than 300% of the federal poverty guidelines. The enrollment process must consider income and risk factors, such that children determined with higher need are enrolled before children with lesser need. For purposes of this subdivision, all age-eligible children served in foster care or who are experiencing homelessness or who have individualized education programs recommending placement in an inclusive preschool setting are considered to live with families with household income equal to or less than 250% of the federal poverty guidelines regardless of actual family income and are prioritized for enrollment within the lowest quintile.

(c) Ensure that the applicant only uses qualified personnel for this program, as follows:

(*i*) Teachers possessing proper training. A lead teacher must have a valid Michigan teaching certificate with an early childhood or lower elementary endorsement or a bachelor's or higher degree in child development or early childhood education with specialization in preschool teaching. However, if an applicant demonstrates to the department that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, teachers or paraprofessionals with at least 5 years of experience as a paraprofessional in a great start readiness program classroom who have significant but incomplete training in early childhood education or child development may be used if the applicant provides to the department, and the department approves, a plan for each teacher to come into compliance with the standards in this subparagraph. A teacher's compliance plan must be completed within 3 years of the date of employment. Progress toward completion of the compliance plan consists of at least 2 courses per calendar year.

(*ii*) Paraprofessionals possessing proper training in early childhood education, including an associate degree in early childhood education or child development or the equivalent, or a child development associate (CDA) credential. However, if an applicant demonstrates to the department that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, the applicant may use paraprofessionals who have completed at least 1 course that earns college credit in early childhood education or child development if the applicant provides to the department, and the department approves, a plan for each paraprofessional to come into compliance with the standards in this subparagraph. A paraprofessional's compliance plan must be completed within 3 years of the date of employment. Progress toward completion of the compliance plan consists of at least 2 courses or 60 clock hours of training per calendar year.

(d) Include a program budget that contains only those costs that are not reimbursed or reimbursable by federal funding, that are clearly and directly attributable to the great start readiness program, and that would not be incurred if the program were not being offered. Eligible costs include transportation costs. The program budget must indicate the extent to which these funds will supplement other federal, state, local, or private funds. An applicant shall not use funds received under this section to supplant any federal funds received by the applicant to serve children eligible for a federally funded preschool program that has the capacity to serve those children.

(6) For a grant recipient that enrolls pupils in a school-day program funded under this section, each child enrolled in the school-day program is counted as described in section 39 for purposes of determining the amount of the grant award.

(7) For a grant recipient that enrolls pupils in a GSRP/Head Start blended program, the grant recipient shall ensure that all Head Start and GSRP policies and regulations are applied to the blended slots, with adherence to the highest standard from either program, to the extent allowable under federal law.

(8) An intermediate district or consortium of intermediate districts receiving a grant under this section shall designate an early childhood coordinator, and may provide services directly or may contract with 1 or more districts or public or private for-profit or nonprofit providers that meet all requirements of subsections (4) and (5).

(9) An intermediate district or consortium of intermediate districts may retain for administrative services provided by the intermediate district or consortium of intermediate districts an amount not to exceed 4% of the grant amount. Expenses incurred by subrecipients engaged by the intermediate district or consortium of intermediate districts for directly running portions of the program are considered program costs or a

© Courtesy of www.legislature.mi.gov

contracted program fee for service. Subrecipients operating with a federally approved indirect rate for other early childhood programs may include indirect costs, not to exceed the federal 10% de minimis.

(10) An intermediate district or consortium of intermediate districts may expend not more than 2% of the total grant amount for outreach, recruiting, and public awareness of the program.

(11) Each grant recipient shall enroll children identified under subsection (5)(b) according to how far the child's household income is below 250% of the federal poverty guidelines by ranking each applicant child's household income from lowest to highest and dividing the applicant children into quintiles based on how far the child's household income is below 250% of the federal poverty guidelines, and then enrolling children in the quintile with the lowest household income before enrolling children in the quintile with the next lowest household income until slots are completely filled. If the grant recipient determines that all eligible children are being served and that there are no children on the waiting list who live with families with a household income that is equal to or less than 250% of the federal poverty guidelines, the grant recipient may then enroll children who live with families with a household income that is equal to or less than 300% of the federal poverty guidelines. The enrollment process must consider income and risk factors, such that children determined with higher need are enrolled before children with lesser need. For purposes of this subsection, all age-eligible children served in foster care or who are experiencing homelessness or who have individualized education programs recommending placement in an inclusive preschool setting are considered to live with families with household income equal to or less than 250% of the federal poverty guidelines regardless of actual family income and are prioritized for enrollment within the lowest quintile.

(12) An intermediate district or consortium of intermediate districts receiving a grant under this section shall allow parents of eligible children who are residents of the intermediate district or within the consortium to choose a program operated by or contracted with another intermediate district or consortium of intermediate districts and shall enter into a written agreement regarding payment, in a manner prescribed by the department.

(13) An intermediate district or consortium of intermediate districts receiving a grant under this section shall conduct a local process to contract with interested and eligible public and private for-profit and nonprofit community-based providers that meet all requirements of subsection (4) for at least 30% of its total allocation. For the purposes of this 30% allocation, an intermediate district or consortium of intermediate districts may count children served by a Head Start grantee or delegate in a blended Head Start and great start readiness school-day program. Children served in a program funded only through Head Start are not counted toward this 30% allocation. The intermediate district or consortium shall report to the department, in a manner prescribed by the department, a detailed list of community-based providers by provider type, including private for-profit, private nonprofit, community college or university, Head Start grantee or delegate, and district or intermediate district, and the number and proportion of its total allocation allocated to each provider as subrecipient. If the intermediate district or consortium is not able to contract for at least 30% of its total allocation, the grant recipient shall notify the department and, if the department verifies that the intermediate district or consortium attempted to contract for at least 30% of its total allocation and was not able to do so, then the intermediate district or consortium may retain and use all of its allocation as provided under this section. To be able to use this exemption, the intermediate district or consortium shall demonstrate to the department that the intermediate district or consortium increased the percentage of its total allocation for which it contracts with a community-based provider and the intermediate district or consortium shall submit evidence satisfactory to the department, and the department must be able to verify this evidence, demonstrating that the intermediate district or consortium took measures to contract for at least 30% of its total allocation as required under this subsection, including, but not limited to, at least all of the following measures:

(a) The intermediate district or consortium notified each nonparticipating licensed child care center located in the service area of the intermediate district or consortium regarding the center's eligibility to participate, in a manner prescribed by the department.

(b) The intermediate district or consortium provided to each nonparticipating licensed child care center located in the service area of the intermediate district or consortium information regarding great start readiness program requirements and a description of the application and selection process for community-based providers.

(c) The intermediate district or consortium provided to the public and to participating families a list of community-based great start readiness program subrecipients with a great start to quality rating of at least 3 stars.

(14) If an intermediate district or consortium of intermediate districts receiving a grant under this section fails to submit satisfactory evidence to demonstrate its effort to contract for at least 30% of its total allocation, as required under subsection (13), the department shall reduce the allocation to the intermediate district or

© Courtesy of www.legislature.mi.gov

consortium by a percentage equal to the difference between the percentage of an intermediate district's or consortium's total allocation awarded to community-based providers and 30% of its total allocation.

(15) In order to assist intermediate districts and consortia in complying with the requirement to contract with community-based providers for at least 30% of their total allocation, the department shall do all of the following:

(a) Ensure that a great start resource center or the department provides each intermediate district or consortium receiving a grant under this section with the contact information for each licensed child care center located in the service area of the intermediate district or consortium by March 1 of each year.

(b) Provide, or ensure that an organization with which the department contracts provides, a community-based provider with a validated great start to quality rating within 90 days of the provider's having submitted a request and self-assessment.

(c) Ensure that all intermediate district, district, community college or university, Head Start grantee or delegate, private for-profit, and private nonprofit providers are subject to a single great start to quality rating system. The rating system must ensure that regulators process all prospective providers at the same pace on a first-come, first-served basis and must not allow 1 type of provider to receive a great start to quality rating ahead of any other type of provider.

(d) Not later than March 1 of each year, compile the results of the information reported by each intermediate district or consortium under subsection (13) and report to the legislature a list by intermediate district or consortium with the number and percentage of each intermediate district's or consortium's total allocation allocated to community-based providers by provider type, including private for-profit, private nonprofit, community college or university, Head Start grantee or delegate, and district or intermediate district.

(16) A recipient of funds under this section shall report to the center in a form and manner prescribed by the center the information necessary to derive the number of children participating in the program who meet the program eligibility criteria under subsection (5)(b), the number of eligible children not participating in the program and on a waitlist, and the total number of children participating in the program by various demographic groups and eligibility factors necessary to analyze equitable and priority access to services for the purposes of subsection (3).

(17) As used in this section:

(a) "GSRP/Head Start blended program" means a part-day program funded under this section and a Head Start program, which are combined for a school-day program.

(b) "Federal poverty guidelines" means the guidelines published annually in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902.

(c) "Part-day program" means a program that operates at least 4 days per week, 30 weeks per year, for at least 3 hours of teacher-child contact time per day but for fewer hours of teacher-child contact time per day than a school-day program.

(d) "School-day program" means a program that operates for at least the same length of day as a district's first grade program for a minimum of 4 days per week, 30 weeks per year. A classroom that offers a school-day program must enroll all children for the school day to be considered a school-day program.

(18) An intermediate district or consortium of intermediate districts receiving funds under this section shall establish and charge tuition according to a sliding scale of tuition rates based upon household income for children participating in an eligible great start readiness program who live with families with a household income that is more than 250% of the federal poverty guidelines to be used by all of its providers, as approved by the department.

(19) From the amount allocated in subsection (2), there is allocated for 2021-2022 an amount not to exceed $10,000,000.00 for reimbursement of transportation costs for children attending great start readiness programs funded under this section. To receive reimbursement under this subsection, not later than November 1 of each year, a program funded under this section that provides transportation shall submit to the intermediate district that is the fiscal agent for the program a projected transportation budget. The amount of the reimbursement for transportation under this subsection is no more than the projected transportation budget or $300.00 multiplied by the number of children funded for the program under this section. If the amount allocated under this subsection is insufficient to fully reimburse the transportation costs for all programs that provide transportation and submit the required information, the department shall prorate the reimbursement in an equal amount per child funded. The department shall make payments to the intermediate district that is the fiscal agent for each program, and the intermediate district shall then reimburse the program provider for transportation costs as prescribed under this subsection.

(20) Subject to, and from the funds allocated under, subsection (19), the department shall reimburse a

© Courtesy of www.legislature.mi.gov

program for transportation costs related to parent- or guardian-accompanied transportation provided by transportation service companies, buses, or other public transportation services. To be eligible for reimbursement under this subsection, a program must submit to the intermediate district or consortia of intermediate districts all of the following:

(a) The names of families provided with transportation support along with a documented reason for the need for transportation support and the type of transportation provided.

(b) Financial documentation of actual transportation costs incurred by the program, including, but not limited to, receipts and mileage reports, as determined by the department.

(c) Any other documentation or information determined necessary by the department.

(21) The department shall implement a process to review and approve age-appropriate comprehensive classroom level quality assessments for GSRP grantees that support the early childhood standards of quality for prekindergarten children adopted by the state board. The department shall make available to intermediate districts at least 2 classroom level quality assessments that were approved in 2018.

(22) An intermediate district that is a GSRP grantee may approve the use of a supplemental curriculum that aligns with and enhances the age-appropriate educational curriculum in the classroom. If the department objects to the use of a supplemental curriculum approved by an intermediate district, the superintendent shall establish a review committee independent of the department. The review committee shall meet within 60 days of the department registering its objection in writing and provide a final determination on the validity of the objection within 60 days of the review committee's first meeting.

(23) The department shall implement a process to evaluate and approve age-appropriate educational curricula that are in compliance with the early childhood standards of quality for prekindergarten children adopted by the state board.

(24) From the funds allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $2,000,000.00 for payments to intermediate districts or consortia of intermediate districts for professional development and training materials for educators in programs implementing new curricula or child assessment tools approved for use in the great start readiness program.

(25) A great start readiness program or a GSRP/Head Start blended program funded under this section is permitted to utilize AmeriCorps Pre-K Reading Corps members in classrooms implementing research-based early literacy intervention strategies.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In the first and last sentences of subsection (1), as amended by Act 121 of 2001, the phrases “and 2002-2003” and “and for 2002-2003” were vetoed by the governor September 28, 2001.

In subsection (2), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1632e Repealed. 2008, Act 268, Eff. Oct. 1, 2008.

Compiler's note: The repealed section pertained to funding under MCL 388.1632d.

388.1632f Repealed. 2005, Act 155, Eff. Oct. 1, 2005.

Compiler's note: The repealed section pertained to read, education, and develop youth kits.

388.1632g Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to kindergarten entry status assessment.

388.1632h Repealed. 2002, Act 191, Imd. Eff. Apr. 26, 2002.

Compiler's note: The repealed section pertained counseling services.

388.1632i Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to May 2002 revenue estimating conference.

388.1632j Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to programs for parents with young children.

388.1632k Repealed. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's note: The repealed section pertained to before- or after-school programs.

388.1632l Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to establishment of diverse interagency committee to review applications for competitive grants under MCL 388.1632d.

388.1632m Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's note: The repealed section pertained to providing preschool children with a book each month.

388.1632n Repealed. 2010, Act 110, Eff. Oct. 1, 2010.

Compiler's note: The repealed section pertained to statewide before-or-after school programs.

****** 388.1632p THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1632p.amended ******

388.1632p Early childhood funding; local great start collaborative and parent coalition; outcomes; workgroups; home visits to at-risk children and families; report; carrying over unexpended funds.

Sec. 32p. (1) From the appropriation in section 11, there is allocated an amount not to exceed $13,400,000.00 to intermediate districts for 2020-2021 for the purpose of providing early childhood funding to intermediate districts to support the goals and outcomes under subsection (2) and subsection (4), and to provide early childhood programs for children from birth through age 8. The funding provided to each intermediate district under this section is determined by the distribution formula established by the department's office of great start to provide equitable funding statewide. In order to receive funding under this section, each intermediate district must provide an application to the office of great start not later than September 15 of the immediately preceding fiscal year indicating the strategies planned to be provided.

(2) Each intermediate district or consortium of intermediate districts that receives funding under this

© Courtesy of www.legislature.mi.gov

section shall convene a local great start collaborative and a parent coalition. The goal of each great start collaborative and parent coalition is to ensure the coordination and expansion of local early childhood infrastructure and programs that allow every child in the community to achieve the following outcomes:

(a) Children born healthy.

(b) Children healthy, thriving, and developmentally on track from birth to third grade.

(c) Children developmentally ready to succeed in school at the time of school entry.

(d) Children prepared to succeed in fourth grade and beyond by reading proficiently by the end of third grade.

(3) Each local great start collaborative and parent coalition shall convene workgroups to make recommendations about community services designed to achieve the outcomes described in subsection (2) and to ensure that its local great start system includes the following supports for children from birth through age 8:

(a) Physical health.

(b) Social-emotional health.

(c) Family supports and basic needs.

(d) Parent education.

(e) Early education, including the child's development of skills linked to success in foundational literacy, and care.

(4) From the funds allocated in subsection (1), at least $2,500,000.00 must be used for the purpose of providing home visits to at-risk children and their families. The home visits must be conducted as part of a locally coordinated, family-centered, evidence-based, data-driven home visit strategic plan that is approved by the department. The goals of the home visits funded under this subsection are to improve school readiness using evidence-based methods, including a focus on developmentally appropriate outcomes for early literacy, to improve positive parenting practices, and to improve family economic self-sufficiency while reducing the impact of high-risk factors through community resources and referrals. The department shall coordinate the goals of the home visit strategic plans approved under this subsection with other state agency home visit programs in a way that strengthens Michigan's home visiting infrastructure and maximizes federal funds available for the purposes of at-risk family home visits. The coordination among departments and agencies is intended to avoid duplication of state services and spending, and should emphasize efficient service delivery of home visiting programs.

(5) Not later than December 1 of each year, each intermediate district shall provide a report to the department detailing the strategies actually implemented during the immediately preceding school year and the families and children actually served. At a minimum, the report must include an evaluation of the services provided with additional funding under subsection (4) for home visits, using the goals identified in subsection (4) as the basis for the evaluation, including the degree to which school readiness was improved, the degree to which positive parenting practices were improved, the degree to which there was improved family economic self-sufficiency, and the degree to which community resources and referrals were utilized. The department shall compile and summarize these reports and submit its summary to the house and senate appropriations subcommittees on school aid and to the house and senate fiscal agencies not later than February 15 of each year.

(6) An intermediate district or consortium of intermediate districts that receives funding under this section may carry over any unexpended funds received under this section into the next fiscal year and may expend those unused funds through June 30 of the next fiscal year. However, an intermediate district or consortium of intermediate districts that receives funding for the purposes described in subsection (2) in fiscal year 2020-2021 shall not carry over into the next fiscal year any amount exceeding 30% of the amount awarded to the intermediate district or consortium in the 2020-2021 fiscal year. It is intended that the amount carried over from funding awarded for the purposes described in subsection (2) in fiscal year 2021-2022 not exceed 20% of the amount awarded in that fiscal year and the amount carried over from funding awarded for the purposes described in subsection (2) in fiscal year 2022-2023 not exceed 15% of the amount awarded in that fiscal year. A recipient of a grant shall return any unexpended grant funds to the department in the manner prescribed by the department not later than September 30 of the next fiscal year after the fiscal year in which the funds are received.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1632p.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

© Courtesy of www.legislature.mi.gov

388.1632p.amended Early childhood funding; local great start collaborative and parent coalition; outcomes; workgroups; home visits to at-risk children and families; report; carrying over unexpended funds.

Sec. 32p. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $13,400,000.00 to intermediate districts for 2021-2022 for the purpose of providing early childhood funding to intermediate districts to support the goals and outcomes under subsection (2) and subsection (4), and to provide early childhood programs for children from birth through age 8. The funding provided to each intermediate district under this section is determined by the distribution formula established by the department's office of great start to provide equitable funding statewide. In order to receive funding under this section, each intermediate district must provide an application to the office of great start not later than September 15 of the immediately preceding fiscal year indicating the strategies planned to be provided.

(2) Each intermediate district or consortium of intermediate districts that receives funding under this section shall convene a local great start collaborative and a parent coalition that includes an active partnership with at least 1 community-based organization. The goal of each great start collaborative and parent coalition is to ensure the coordination and expansion of local early childhood infrastructure and programs that allow every child in the community to achieve the following outcomes:

(a) Children born healthy.

(b) Children healthy, thriving, and developmentally on track from birth to grade 3.

(c) Children developmentally ready to succeed in school at the time of school entry.

(d) Children prepared to succeed in fourth grade and beyond by reading proficiently by the end of third grade.

(3) Each local great start collaborative and parent coalition shall convene workgroups to make recommendations about community services designed to achieve the outcomes described in subsection (2) and to ensure that its local great start system includes the following supports for children from birth through age 8:

(a) Physical health.

(b) Social-emotional health.

(c) Family supports and basic needs.

(d) Parent education.

(e) Early education, including the child's development of skills linked to success in foundational literacy, and care.

(4) From the funds allocated in subsection (1), at least $2,500,000.00 must be used for the purpose of providing home visits to at-risk children and their families. The home visits must be conducted as part of a locally coordinated, family-centered, evidence-based, data-driven home visit strategic plan that is approved by the department. The goals of the home visits funded under this subsection are to improve school readiness using evidence-based methods, including a focus on developmentally appropriate outcomes for early literacy, to improve positive parenting practices, and to improve family economic self-sufficiency while reducing the impact of high-risk factors through community resources and referrals. The department shall coordinate the goals of the home visit strategic plans approved under this subsection with other state agency home visit programs in a way that strengthens Michigan's home visiting infrastructure and maximizes federal funds available for the purposes of at-risk family home visits. The coordination among departments and agencies is intended to avoid duplication of state services and spending, and should emphasize efficient service delivery of home visiting programs.

(5) Not later than December 1 of each year, each intermediate district shall provide a report to the department detailing the strategies actually implemented during the immediately preceding school year and the families and children actually served. At a minimum, the report must include an evaluation of the services provided with additional funding under subsection (4) for home visits, using the goals identified in subsection (4) as the basis for the evaluation, including the degree to which school readiness was improved, the degree to which positive parenting practices were improved, the degree to which there was improved family economic self-sufficiency, and the degree to which community resources and referrals were utilized. The department shall compile and summarize these reports and submit its summary to the house and senate appropriations subcommittees on school aid and to the house and senate fiscal agencies not later than February 15 of each year.

(6) An intermediate district or consortium of intermediate districts that receives funding under this section may carry over any unexpended funds received under this section into the next fiscal year and may expend those unused funds through June 30 of the next fiscal year. However, an intermediate district or consortium of intermediate districts that receives funding for the purposes described in subsection (2) in fiscal year

© Courtesy of www.legislature.mi.gov

2021-2022 shall not carry over into the next fiscal year any amount exceeding 20% of the amount awarded to the intermediate district or consortium in the 2021-2022 fiscal year. It is intended that the amount carried over from funding awarded for the purposes described in subsection (2) in fiscal year 2022-2023 not exceed 15% of the amount awarded in that fiscal year. A recipient of a grant shall return any unexpended grant funds to the department in the manner prescribed by the department not later than September 30 of the next fiscal year after the fiscal year in which the funds are received.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1632q Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to pilot program to evaluate the impact on vulnerable children of 1 versus 2 years of preschool education.

388.1632r Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to race to the top – early learning challenge grant.

388.1633 Repealed. 2006, Act 342, Eff. Oct. 1, 2006.

Compiler's note: The repealed section pertained to allocation to assist in transition from governance by a school reform board to governance by an elected school board.

388.1634 Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's note: The repealed section pertained to appropriation of funds for 2006-2007.

388.1634a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to achievement incentive grants.

388.1635 Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: The repealed section pertained to use of funds for programs to ensure that children are reading at grade level by end of grade 3.

****** 388.1635a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1635a.amended ******

388.1635a Professional development; allocations; screening and diagnostic tools for early literacy and early reading skills; early literacy coaches; additional instructional time; report; literacy essentials teacher and principal training; funding for Reading and Math Corps; professional development programs.

Sec. 35a. (1) From the appropriations in section 11, there is allocated for 2020-2021 for the purposes of this section an amount not to exceed $55,400,000.00 from the state school aid fund and there is allocated for 2020-2021 for the purposes of subsection (8) an amount not to exceed $2,773,000.00 from the general fund. The superintendent shall designate staff or contracted employees funded under this section as critical shortage. Programs funded under this section are intended to ensure that this state will be a top 10 state in grade 4 reading proficiency by 2025 according to the National Assessment of Educational Progress (NAEP).

(2) A district that receives funds under subsection (5) may spend up to 5% of those funds for professional development for educators in a department-approved research-based training program related to current state literacy standards for pupils in grades pre-K to 3. The professional development must also include training in the use of screening and diagnostic tools, progress monitoring, and intervention methods used to address barriers to learning and delays in learning that are diagnosed through the use of these tools.

(3) A district that receives funds under subsection (5) may use up to 5% of those funds to administer department-approved screening and diagnostic tools to monitor the development of early literacy and early reading skills of pupils in grades pre-K to 3 and to support research-based professional development for educators in administering screening and diagnostic tools and in data interpretation of the results obtained through the use of those tools for the purpose of implementing a multi-tiered system of support to improve reading proficiency among pupils in grades pre-K to 3. A department-approved screening and diagnostic tool administered by a district using funding under this section must include all of the following components: phonemic awareness, phonics, fluency, and comprehension. Further, all of the following sub-skills must be assessed within each of these components:

(a) Phonemic awareness - segmentation, blending, and sound manipulation (deletion and substitution).

© Courtesy of www.legislature.mi.gov

(b) Phonics - decoding (reading) and encoding (spelling).

(c) Fluency - reading rate, accuracy, and expression.

(d) Comprehension - making meaning of text.

(4) From the allocation under subsection (1), there is allocated an amount not to exceed $31,500,000.00 for 2020-2021 for the purpose of providing early literacy coaches at intermediate districts to assist teachers in developing and implementing instructional strategies for pupils in grades pre-K to 3 so that pupils are reading at grade level by the end of grade 3. All of the following apply to funding under this subsection:

(a) The department shall develop an application process consistent with the provisions of this subsection. An application must provide assurances that literacy coaches funded under this subsection are knowledgeable about at least the following:

(*i*) Current state literacy standards for pupils in grades pre-K to 3.

(*ii*) Implementing an instructional delivery model based on frequent use of formative, screening, and diagnostic tools, known as a multi-tiered system of support, to determine individual progress for pupils in grades pre-K to 3 so that pupils are reading at grade level by the end of grade 3.

(*iii*) The use of data from diagnostic tools to determine the necessary additional supports and interventions needed by individual pupils in grades pre-K to 3 in order to be reading at grade level.

(b) From the allocation under this subsection, the department shall award grants to intermediate districts for the support of early literacy coaches. The department shall provide this funding in the following manner:

(*i*) The department shall award each intermediate district grant funding to support the cost of 1 early literacy coach in an equal amount per early literacy coach, not to exceed $112,500.00.

(*ii*) After distribution of the grant funding under subparagraph (*i*), the department shall distribute the remainder of grant funding for additional early literacy coaches in an amount not to exceed $112,500.00 per early literacy coach. The number of funded early literacy coaches for each intermediate district is based on the percentage of the total statewide number of pupils in grades K to 3 who meet the income eligibility standards for the federal free and reduced-price lunch programs who are enrolled in districts in the intermediate district.

(c) If an intermediate district that receives funding under this subsection uses an assessment tool that screens for signs of dyslexia, the intermediate district shall use the assessment results from that assessment tool to identify pupils who demonstrate signs of dyslexia.

(5) From the allocation under subsection (1), there is allocated an amount not to exceed $19,900,000.00 for 2020-2021 to districts that provide additional instructional time to those pupils in grades pre-K to 3, or, for 2020-2021 only, those pupils in grades pre-K to 12, who have been identified by using department-approved screening and diagnostic tools as needing additional supports and interventions in order to be reading at grade level by the end of grade 3, or, for 2020-2021 only, reading at the applicable grade level. Additional instructional time may be provided before, during, and after regular school hours or as part of a year-round balanced school calendar. All of the following apply to funding under this subsection:

(a) In order to be eligible to receive funding, a district shall demonstrate to the satisfaction of the department that the district has done all of the following:

(*i*) Implemented a multi-tiered system of support instructional delivery model that is an evidence-based model that uses data-driven problem solving to integrate academic and behavioral instruction and that uses intervention delivered to all pupils in varying intensities based on pupil needs. The multi-tiered system of supports must provide at least all of the following essential components:

(A) Team-based leadership.

(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.

(*ii*) Used department-approved research-based diagnostic tools to identify individual pupils in need of additional instructional time.

(*iii*) Used a reading instruction method that focuses on the 5 fundamental building blocks of reading: phonics, phonemic awareness, fluency, vocabulary, and comprehension and content knowledge.

(*iv*) Provided teachers of pupils in grades pre-K to 3 with research-based professional development in diagnostic data interpretation.

(*v*) Complied with the requirements under section 1280f of the revised school code, MCL 380.1280f.

(b) The department shall distribute funding allocated under this subsection to eligible districts on an equal per-first-grade-pupil basis.

(c) If the funds allocated under this subsection are insufficient to fully fund the payments under this subsection, payments under this subsection are prorated on an equal per-pupil basis based on grade 1 pupils.

(6) Not later than September 1 of each year, a district that receives funding under subsection (5) in

© Courtesy of www.legislature.mi.gov

conjunction with the Michigan student data system, if possible, shall provide to the department a report that includes at least both of the following, in a form and manner prescribed by the department:

(a) For pupils in grades pre-K to 3 or pre-K to 12, as applicable, the pupils, schools, and grades served with funds under this section and the categories of services provided.

(b) For pupils in grades pre-K to 3 or pre-K to 12, as applicable, pupil proficiency and growth data that allows analysis both in the aggregate and by each of the following subgroups, as applicable:

(*i*) School.

(*ii*) Grade level.

(*iii*) Gender.

(*iv*) Race.

(*v*) Ethnicity.

(*vi*) Economically disadvantaged status.

(*vii*) Disability.

(*viii*) Pupils identified as having reading deficiencies.

(7) From the allocation under subsection (1), there is allocated an amount not to exceed $4,000,000.00 for 2020-2021 to an intermediate district in which the combined total number of pupils in membership of all of its constituent districts is the fewest among all intermediate districts. All of the following apply to the funding under this subsection:

(a) Funding under this subsection must be used by the intermediate district, in partnership with an association that represents intermediate district administrators in this state, to implement all of the following:

(*i*) Literacy essentials teacher and principal training modules.

(*ii*) Face-to-face and online professional learning of literacy essentials teacher and principal training modules for literacy coaches, principals, and teachers.

(*iii*) The placement of regional lead literacy coaches to facilitate professional learning for early literacy coaches. These regional lead literacy coaches shall provide support for new literacy coaches, building teachers, and administrators and shall facilitate regional data collection to evaluate the effectiveness of statewide literacy coaches funded under this section.

(*iv*) Provide $500,000.00 from this subsection for literacy training, modeling, coaching, and feedback for district principals or chief administrators, as applicable. The training described in this subparagraph must use the pre-K and K to 3 essential instructional practices in literacy created by the general education leadership network as the framework for all training provided under this subparagraph.

(b) Not later than September 1 of each year, the intermediate district described in this subsection, in consultation with grant recipients, shall submit a report to the chairs of the senate and house appropriations subcommittees on state school aid, the chairs of the senate and house standing committees responsible for education legislation, the house and senate fiscal agencies, and the state budget director. The report described under this subdivision must include student achievement results in English language arts and survey results with feedback from parents and teachers regarding the initiatives implemented under this subsection.

(c) Up to 2% of funds allocated under this subsection may be used by the association representing intermediate district administrators that is in partnership with the intermediate district specified in this subsection to administer this subsection.

(8) From the general fund money allocated in subsection (1), the department shall allocate the amount of $2,773,000.00 for 2020-2021 to the Michigan Education Corps for the PreK Reading Corps, the K3 Reading Corps, and the Math Corps. All of the following apply to funding under this subsection:

(a) By September 1 of the current fiscal year, the Michigan Education Corps shall provide a report concerning its use of the funding to the senate and house appropriations subcommittees on state school aid, the senate and house fiscal agencies, and the senate and house caucus policy offices on outcomes and performance measures of the Michigan Education Corps, including, but not limited to, the degree to which the Michigan Education Corps' replication of the PreK Reading Corps, the K3 Reading Corps, and the Math Corps programs is demonstrating sufficient efficacy and impact. The report must include data pertaining to at least all of the following:

(*i*) The current impact of the programs on this state in terms of numbers of children and schools receiving support. This portion of the report must specify the number of children tutored, including dosage and completion, and the demographics of those children.

(*ii*) Whether the assessments and interventions are implemented with fidelity. This portion of the report must include details on the total number of assessments and interventions completed and the range, mean, and standard deviation.

(*iii*) Whether the literacy or math improvement of children participating in the programs is consistent with expectations. This portion of the report must detail at least all of the following:

© Courtesy of www.legislature.mi.gov

(A) Growth rate by grade or age level, in comparison to targeted growth rate.

(B) Average linear growth rates.

(C) Exit rates.

(D) Percentage of children who exit who also meet or exceed spring benchmarks.

(*iv*) The impact of the programs on organizations and stakeholders, including, but not limited to, school administrators, internal coaches, and AmeriCorps members.

(b) If the department determines that the Michigan Education Corps has misused the funds allocated under this subsection, the Michigan Education Corps shall reimburse this state for the amount of state funding misused.

(c) The department may not reserve any portion of the allocation provided under this subsection for an evaluation of the Michigan Education Corps, the Michigan Education Corps' funding, or the Michigan Education Corps' programming unless agreed to in writing by the Michigan Education Corps. The department shall award the entire $2,773,000.00 allocated under this subsection to the Michigan Education Corps and shall not condition the awarding of this funding on the implementation of an independent evaluation.

(9) If a district or intermediate district expends any funding received under subsection (4) or (5) for professional development in research-based effective reading instruction, the district or intermediate district shall select a professional development program from the list described under subdivision (a). All of the following apply to the requirement under this subsection:

(a) The department shall issue a request for proposals for professional development programs in research-based effective reading instruction to develop an initial approved list of professional development programs in research-based effective reading instruction. The department shall make the initial approved list public and shall determine if it will, on a rolling basis, approve any new proposals submitted for addition to its initial approved list.

(b) To be included as an approved professional development program in research-based effective reading instruction under subdivision (a), an applicant must demonstrate to the department in writing the program's competency in all of the following topics:

(*i*) Understanding of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(*ii*) Appropriate use of assessments and differentiated instruction.

(*iii*) Selection of appropriate instructional materials.

(*iv*) Application of research-based instructional practices.

(c) As used in this subsection, "effective reading instruction" means reading instruction scientifically proven to result in improvement in pupil reading skills.

(10) Notwithstanding section 17b, the department shall make payments made under subsections (7) and (8) on a schedule determined by the department.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017 ;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In subsection (1), as amended by Act 58 of 2019, the following phrase "and an amount not to exceed $3,000,000.00 from the talent investment fund" was vetoed by the governor on September 30, 2019.

Subsection (7), as amended by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

Subsections (9) and (11), as added by Act 58 of 2019, were vetoed by the governor on September 30, 2019.

****** 388.1635a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1635a.amended Professional development; allocations; screening and diagnostic tools for early literacy and early reading skills; early literacy coaches; additional instructional time; report; literacy essentials teacher and principal training; funding for Reading and Math Corps; professional development programs; professional learning opportunities; definitions.

Sec. 35a. (1) From the appropriations in section 11, there is allocated for 2021-2022 for the purposes of this section an amount not to exceed $61,400,000.00 from the state school aid fund and there is allocated for 2021-2022 for the purposes of subsection (8) an amount not to exceed $3,500,000.00 from the general fund. Excluding staff or contracted employees funded under subsection (8), the superintendent shall designate staff or contracted employees funded under this section as critical shortage. Programs funded under this section are intended to ensure that this state will be a top 10 state in grade 4 reading proficiency by 2025 according to the National Assessment of Educational Progress (NAEP). By December 31, 2021, the superintendent of public instruction shall do both of the following:

(a) Report in person to the house and senate appropriations subcommittees on school aid regarding

© Courtesy of www.legislature.mi.gov

progress on the goal described in this subsection and be available for questioning as prescribed through a process developed by the chairs of the house and senate appropriations subcommittees on school aid.

(b) Submit a written report to the house and senate appropriations subcommittees on school aid regarding progress on the goal described in this subsection.

(2) A district that receives funds under subsection (5) may spend up to 5% of those funds for professional development for educators in a department-approved research-based training program related to current state literacy standards for pupils in grades pre-K to 3. The professional development must also include training in the use of screening and diagnostic tools, progress monitoring, and intervention methods used to address barriers to learning and delays in learning that are diagnosed through the use of these tools.

(3) A district that receives funds under subsection (5) may use up to 5% of those funds to administer department-approved screening and diagnostic tools to monitor the development of early literacy and early reading skills, and risk factors for word-level reading difficulties of pupils in grades pre-K to 3 and to support evidence-based professional learning described in subsection (11) for educators in administering and using screening, progress monitoring, and diagnostic assessment data to inform instruction through prevention and intervention in a multi-tiered system of supports framework. A department-approved screening and diagnostic tool administered by a district using funding under this section must include all of the following components: phonemic awareness, phonics, fluency, rapid automatized naming (RAN), and comprehension. Further, all of the following sub-skills must be assessed within each of these components:

(a) Phonemic awareness - segmentation, blending, and sound manipulation (deletion and substitution).

(b) Phonics - decoding (reading) and encoding (spelling).

(c) Fluency.

(d) Comprehension - making meaning of text.

(4) From the allocation under subsection (1), there is allocated an amount not to exceed $31,500,000.00 for 2021-2022 for the purpose of providing early literacy coaches at intermediate districts to assist teachers in developing and implementing instructional strategies for pupils in grades pre-K to 3 so that pupils are reading at grade level by the end of grade 3. All of the following apply to funding under this subsection:

(a) The department shall develop an application process consistent with the provisions of this subsection. An application must provide assurances that literacy coaches funded under this subsection are knowledgeable about at least the following:

(*i*) Current state literacy standards for pupils in grades pre-K to 3.

(*ii*) Implementing an instructional delivery model based on frequent use of formative, screening, and diagnostic tools, known as a multi-tiered system of supports, to determine individual progress for pupils in grades pre-K to 3 so that pupils are reading at grade level by the end of grade 3.

(*iii*) The use of data from diagnostic tools to determine the necessary additional supports and interventions needed by individual pupils in grades pre-K to 3 in order to be reading at grade level.

(b) From the allocation under this subsection, the department shall award grants to intermediate districts for the support of early literacy coaches. The department shall provide this funding in the following manner:

(*i*) The department shall award each intermediate district grant funding to support the cost of 1 early literacy coach in an equal amount per early literacy coach, not to exceed $112,500.00.

(*ii*) After distribution of the grant funding under subparagraph (*i*), the department shall distribute the remainder of grant funding for additional early literacy coaches in an amount not to exceed $112,500.00 per early literacy coach. The number of funded early literacy coaches for each intermediate district is based on the percentage of the total statewide number of pupils in grades K to 3 who meet the income eligibility standards for the federal free and reduced-price lunch programs who are enrolled in districts in the intermediate district.

(c) If an intermediate district that receives funding under this subsection uses an assessment tool that screens for characteristics of dyslexia, the intermediate district shall use the assessment results from that assessment tool to identify pupils who demonstrate characteristics of dyslexia.

(5) From the allocation under subsection (1), there is allocated an amount not to exceed $19,900,000.00 for 2021-2022 to districts that provide additional instructional time to those pupils in grades pre-K to 3 who have been identified by using department-approved screening and diagnostic tools as needing additional supports and interventions in order to be reading at grade level by the end of grade 3. Additional instructional time may be provided before, during, and after regular school hours or as part of a year-round balanced school calendar. All of the following apply to funding under this subsection:

(a) In order to be eligible to receive funding, a district must demonstrate to the satisfaction of the department that the district has done all of the following:

(*i*) Implemented a multi-tiered system of supports instructional delivery model that is an evidence-based model that uses data-driven problem solving to integrate academic and behavioral instruction and that uses intervention delivered to all pupils in varying intensities based on pupil needs. The multi-tiered system of

© Courtesy of www.legislature.mi.gov

supports must provide at least all of the following essential components:

(A) Team-based leadership.

(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.

(*ii*) Used department-approved research-based diagnostic tools to identify individual pupils in need of additional instructional time.

(*iii*) Used a reading instruction method that focuses on the 5 fundamental building blocks of reading: phonics, phonemic awareness, fluency, vocabulary, and comprehension and content knowledge.

(*iv*) Provided teachers of pupils in grades pre-K to 3 with research-based professional development in diagnostic data interpretation.

(*v*) Complied with the requirements under section 1280f of the revised school code, MCL 380.1280f.

(b) The department shall distribute funding allocated under this subsection to eligible districts on an equal per-first-grade-pupil basis.

(c) If the funds allocated under this subsection are insufficient to fully fund the payments under this subsection, payments under this subsection are prorated on an equal per-pupil basis based on grade 1 pupils.

(6) Not later than September 1 of each year, a district that receives funding under subsection (5) in conjunction with the Michigan student data system, if possible, shall provide to the department a report that includes at least both of the following, in a form and manner prescribed by the department:

(a) For pupils in grades pre-K to 3, the teachers, pupils, schools, and grades served with funds under this section and the categories of services provided.

(b) For pupils in grades pre-K to 3, pupil proficiency and growth data that allows analysis both in the aggregate and by each of the following subgroups, as applicable:

(*i*) School.

(*ii*) Grade level.

(*iii*) Gender.

(*iv*) Race.

(*v*) Ethnicity.

(*vi*) Economically disadvantaged status.

(*vii*) Disability.

(*viii*) Pupils identified as having reading deficiencies.

(7) From the allocation under subsection (1), there is allocated an amount not to exceed $6,000,000.00 for 2021-2022 to an intermediate district in which the combined total number of pupils in membership of all of its constituent districts is the fewest among all intermediate districts. All of the following apply to the funding under this subsection:

(a) Funding under this subsection must be used by the intermediate district, in partnership with an association that represents intermediate district administrators in this state, to implement all of the following:

(*i*) Literacy essentials teacher and principal training modules.

(*ii*) Face-to-face and online professional learning of literacy essentials teacher and principal training modules for literacy coaches, principals, and teachers.

(*iii*) The placement of regional lead literacy coaches to facilitate professional learning for early literacy coaches. These regional lead literacy coaches shall provide support for new literacy coaches, building teachers, and administrators and shall facilitate regional data collection to evaluate the effectiveness of statewide literacy coaches funded under this section.

(*iv*) Provide $500,000.00 from this subsection for literacy training, modeling, coaching, and feedback for district principals or chief administrators, as applicable. The training described in this subparagraph must use the pre-K and K to 3 essential instructional practices in literacy created by the general education leadership network as the framework for all training provided under this subparagraph.

(*v*) Job-embedded professional learning opportunities for mathematics teachers through mathematics instructional coaching. Funding must be used for professional learning for coaches, professional developers, administrators, and teachers; coaching for early mathematics educators; the development of statewide and regional professional learning networks in mathematics instructions; and the development and support of digital professional learning modules.

(b) Not later than September 1 of each year, the intermediate district described in this subsection, in consultation with grant recipients, shall submit a report to the chairs of the senate and house appropriations subcommittees on school aid, the chairs of the senate and house standing committees responsible for education legislation, the house and senate fiscal agencies, and the state budget director. The report described

© Courtesy of www.legislature.mi.gov

under this subdivision must include student achievement results in English language arts and mathematics and survey results with feedback from parents and teachers regarding the initiatives implemented under this subsection.

(c) Up to 2% of funds allocated under this subsection may be used by the association representing intermediate district administrators that is in partnership with the intermediate district specified in this subsection to administer this subsection.

(8) From the general fund money allocated in subsection (1), the department shall allocate the amount of $3,500,000.00 for 2021-2022 to the Michigan Education Corps for the PreK Reading Corps, the K3 Reading Corps, and the Math Corps. All of the following apply to funding under this subsection:

(a) By September 1 of the current fiscal year, the Michigan Education Corps shall provide a report concerning its use of the funding to the senate and house appropriations subcommittees on state school aid, the senate and house fiscal agencies, and the senate and house caucus policy offices on outcomes and performance measures of the Michigan Education Corps, including, but not limited to, the degree to which the Michigan Education Corps' replication of the PreK Reading Corps, the K3 Reading Corps, and the Math Corps programs is demonstrating sufficient efficacy and impact. The report must include data pertaining to at least all of the following:

(*i*) The current impact of the programs on this state in terms of numbers of children and schools receiving support. This portion of the report must specify the number of children tutored, including dosage and completion, and the demographics of those children.

(*ii*) Whether the assessments and interventions are implemented with fidelity. This portion of the report must include details on the total number of assessments and interventions completed and the range, mean, and standard deviation.

(*iii*) Whether the literacy or math improvement of children participating in the programs is consistent with expectations. This portion of the report must detail at least all of the following:

(A) Growth rate by grade or age level, in comparison to targeted growth rate.

(B) Average linear growth rates.

(C) Exit rates.

(D) Percentage of children who exit who also meet or exceed spring benchmarks.

(*iv*) The impact of the programs on organizations and stakeholders, including, but not limited to, school administrators, internal coaches, and AmeriCorps members.

(b) If the department determines that the Michigan Education Corps has misused the funds allocated under this subsection, the Michigan Education Corps shall reimburse this state for the amount of state funding misused.

(c) The department may not reserve any portion of the allocation provided under this subsection for an evaluation of the Michigan Education Corps, the Michigan Education Corps' funding, or the Michigan Education Corps' programming unless agreed to in writing by the Michigan Education Corps. The department shall award the entire $3,500,000.00 allocated under this subsection to the Michigan Education Corps and shall not condition the awarding of this funding on the implementation of an independent evaluation.

(9) If a district or intermediate district expends any funding received under subsection (4) or (5) for professional development in research-based effective reading instruction, the district or intermediate district shall select a professional development program from the list described under subdivision (a). All of the following apply to the requirement under this subsection:

(a) The department shall issue a request for proposals for professional development programs in research-based effective reading instruction to develop an initial approved list of professional development programs in research-based effective reading instruction. The department shall make the initial approved list public and shall determine if it will, on a rolling basis, approve any new proposals submitted for addition to its initial approved list.

(b) To be included as an approved professional development program in research-based effective reading instruction under subdivision (a), an applicant must demonstrate to the department in writing the program's competency in all of the following topics:

(*i*) Understanding of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(*ii*) Appropriate use of assessments and differentiated instruction.

(*iii*) Selection of appropriate instructional materials.

(*iv*) Application of research-based instructional practices.

(c) As used in this subsection, "effective reading instruction" means reading instruction scientifically proven to result in improvement in pupil reading skills.

(10) From the allocation under subsection (1), there is allocated an amount not to exceed $4,000,000.00 for 2021-2022 for professional learning described in subsection (11), first to educators in pre-K, kindergarten,

© Courtesy of www.legislature.mi.gov

and grade 1 and then to educators in grade 2 and grade 3. All of the following apply to funding under this subsection:

(a) The department must establish and manage professional learning opportunities that are open to all pre-K through grade 3 teachers as follows:

(*i*) The department must open voluntary enrollment for any pre-K through grade 3 teacher on a first-come, first-served basis, with voluntary enrollment prioritized for pre-K, kindergarten, and grade 1 teachers.

(*ii*) The department must maintain open enrollment until all funds are expended.

(b) The department shall distribute funding allocated under this subsection to eligible districts on an equal per-first-grade-pupil basis.

(c) If the funds allocated under this subsection are insufficient to fully fund the payments under this subsection, payments under this subsection are prorated on an equal per-pupil basis based on grade 1 pupils.

(11) The department shall provide a list of 1 or more approved providers of professional learning outlined in this subsection for pre-K to grade 3 teachers, administrators, and early literacy coaches. In order to be approved, a provider of professional learning must meet all of the following:

(a) Be offered through a system of training that provides educators with the knowledge base to effectively implement any class-wide, supplemental, or intervention reading approach and to determine why some students struggle with reading, writing, spelling, and language.

(b) Provide training activities that direct educators to implement effective reading and spelling instruction supported by scientifically based research and foster a direct explicit instructional sequence that uses techniques to support teachers' independence in using their newly-learned skills with students in the classroom.

(c) Include integrated components for educators and administrators in pre-K to grade 3 with embedded evaluation or assessment of knowledge. Evaluation or assessment of knowledge under this subdivision must incorporate evaluations of learning throughout each unit and include a summative assessment that must be completed to demonstrate successful course completion.

(d) Build teacher content knowledge and pedagogical knowledge of the critical components of literacy including how the brain learns to read, phonological and phonemic awareness; letter knowledge; phonics; advanced phonics; vocabulary and oral language; fluency; comprehension; spelling and writing; and the organization of language.

(e) Support educators in understanding how to effectively use screening, progress monitoring, and diagnostic assessment data to improve literacy outcomes through prevention and intervention for reading difficulties in a multi-tiered system of supports. The multi-tiered system of supports must include at least all of the following essential components:

(*i*) Team-based leadership.

(*ii*) A tiered delivery system.

(*iii*) Selection and implementation of instruction, interventions, and supports.

(*iv*) A comprehensive screening and assessment system.

(*v*) Continuous data-based decision making.

(12) Notwithstanding section 17b, the department shall make payments made under subsections (7) and (8) on a schedule determined by the department.

(13) As used in this section:

(a) "Dyslexia" means both of the following:

(*i*) A specific learning disorder that is neurobiological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

(*ii*) A specific learning disorder that may include secondary consequences, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and background knowledge and lead to social, emotional, and behavioral difficulties.

(b) "Evidence-based" means an activity, program, process, service, strategy, or intervention that demonstrates statistically significant effects on improving pupil outcomes or other relevant outcomes and that meets at least both of the following:

(*i*) At least 1 of the following:

(A) Is based on strong evidence from at least 1 well-designed and well-implemented experimental study.

(B) Is based on moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study.

(C) Is based on promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.

© Courtesy of www.legislature.mi.gov

(D) Demonstrates a rationale based on high-quality research findings or positive evaluation that the activity, program, process, service, strategy, or intervention is likely to improve pupil outcomes or other relevant outcomes.

(*ii*) Includes ongoing efforts to examine the effects of the activity, program, process, service, strategy, or intervention.

(c) "Explicit" means direct and deliberate instruction through continuous pupil-teacher interaction that includes teacher modeling, guided practice, and independent practice.

(d) "Fluency" means the ability to read with speed, accuracy, and proper expression.

(e) "Multi-tiered system of supports" means a comprehensive framework that includes 3 distinct tiers of instructional support and is composed of a collection of evidence-based strategies designed to meet the individual needs and assets of a whole pupil at all achievement levels.

(f) "Phonemic awareness" means the conscious awareness of all of the following:

(*i*) Individual speech sounds, including, but not limited to, consonants and vowels, in spoken syllables.

(*ii*) The ability to consciously manipulate through, including, but not limited to, matching, blending, segmenting, deleting, or substituting, individual speech sounds described in subparagraph (*i*).

(*iii*) All levels of the speech sound system, including, but not limited to, word boundaries, rhyme recognition, stress patterns, syllables, onset-rime units, and phonemes.

(g) "Phonological" means relating to the system of contrastive relationships among the speech sounds that constitute the fundamental components of a language.

(h) "Progress monitoring" means the assessing of students' academic performance, quantifying students' rates of improvement or progress toward goals, and determining how students are responding to instruction.

(i) "Rapid automatized naming (RAN)" means a task that measures how quickly individuals can name objects; pictures; colors; or symbols, including letters and digits, aloud, which can predict later reading abilities for preliterate children.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017 ;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In subsection (1), as amended by Act 58 of 2019, the following phrase "and an amount not to exceed $3,000,000.00 from the talent investment fund" was vetoed by the governor on September 30, 2019.

Subsection (7), as amended by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

Subsections (9) and (11), as added by Act 58 of 2019, were vetoed by the governor on September 30, 2019.

****** 388.1635b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1635b.amended ******

388.1635b Allocation to Children's Choice Initiative for program using multisensory structured language education method; grant requirements.

Sec. 35b. (1) From the general fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $250,000.00 for a grant to be distributed by the department to the Children's Choice Initiative for a program to use a multisensory structured language education method to improve reading proficiency rates and to comply with section 1280f of the revised school code, MCL 380.1280f.

(2) Grant funds awarded under this section must be expended for the following purposes:

(a) Professional development including training staff and tutors in a multisensory, sequential, systematic education approach.

(b) Additional instructional time before, during, or after school for pupils in grades K to 3 identified as having an early literacy delay or reading deficiency using a multisensory, sequential, systematic education approach.

(3) Not later than December 1, 2021, an entity that receives grant funds under this section shall report to the house and senate appropriations subcommittees on school aid, the house and senate fiscal agencies, and the state budget director on all of the following for the grant funds awarded under this section:

(a) The number of staff and tutors trained.

(b) The number of pupils in grades K to 3 identified as having an early literacy delay or reading deficiency served.

(c) The number of hours of added instructional time provided to pupils served.

(d) Pupil reading proficiency and growth data of pupils served necessary to evaluate the effectiveness of the program.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

© Courtesy of www.legislature.mi.gov

****** 388.1635b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1635b.amended Allocation to Children's Choice Initiative for program using multisensory structured language education method; grant requirements.

Sec. 35b. (1) From the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $250,000.00 for a grant to be distributed by the department to the Children's Choice Initiative for a program to use a multisensory structured language education method to improve reading proficiency rates and to comply with section 1280f of the revised school code, MCL 380.1280f.

(2) Grant funds awarded under this section must be expended for the following purposes:

(a) Professional development including training staff and tutors in a multisensory, sequential, systematic education approach.

(b) Additional instructional time before, during, or after school for pupils in grades K to 3 identified as having an early literacy delay or reading deficiency using a multisensory, sequential, systematic education approach.

(3) Not later than December 1, 2021, an entity that receives grant funds under this section shall report to the house and senate appropriations subcommittees on school aid, the house and senate fiscal agencies, and the state budget director on all of the following for the grant funds awarded under this section:

(a) The number of staff and tutors trained.

(b) The number of pupils in grades K to 3 identified as having an early literacy delay or reading deficiency served.

(c) The number of hours of added instructional time provided to pupils served.

(d) Pupil reading proficiency and growth data of pupils served necessary to evaluate the effectiveness of the program.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1635c Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to the multisensory structured reading instruction professional developmental pilot program.

****** 388.1635d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1635d.amended ******

388.1635d Grants for 1-on-1 tutoring program for children with dyslexia; program requirements.

Sec. 35d. (1) From the general fund money appropriated under section 11, for 2020-2021, there is allocated an amount not to exceed $500,000.00 for the department to provide grants to districts and intermediate districts for the purchase of 1 or more components or trainings through an eligible 1-on-1 tutoring program for children with dyslexia from a provider of an eligible 1-on-1 tutoring program for children with dyslexia as provided under this section.

(2) A provider that provides programming that meets all of the following is considered to be a provider of an eligible 1-on-1 tutoring program for purposes of this section:

(a) Allows teachers to incorporate the 5 components essential to an effective reading program into their daily lessons. The 5 components described in this subdivision are phonemic awareness, phonics, vocabulary, fluency, and comprehension.

(b) Trains educators to teach reading using a proven, multisensory approach.

(c) Educates teachers on how to explicitly and effectively teach reading to beginning readers.

(d) Breaks reading and spelling down into smaller skills involving letters and sounds, and then builds on these skills over time.

(e) Uses multisensory teaching strategies to teach reading by using sight, hearing, touch, and movement to help students connect and learn the concepts being taught.

(3) Districts and intermediate districts may apply to the department for grants to purchase components or training through an eligible 1-on-1 tutoring program from a provider of an eligible 1-on-1 tutoring program, and, upon receiving an application but except as otherwise provided in this subsection, the department shall make payments to districts and intermediate districts for those purchases. The department shall make payments under this section on a first-come, first-served basis until funds are depleted.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1635d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

© Courtesy of www.legislature.mi.gov

388.1635d.amended Grants for teacher training program for children with dyslexia; program requirements.

Sec. 35d. (1) From the general fund money appropriated under section 11, for 2021-2022, there is allocated an amount not to exceed $1,000,000.00 for the department to provide grants to districts and intermediate districts for the purchase of 1 or more components or trainings through an eligible teacher training program for children with dyslexia from a provider of an eligible teacher training program for children with dyslexia as provided under this section.

(2) A provider that provides programming that meets all of the following is considered to be a provider of an eligible teacher training program for purposes of this section:

(a) Allows teachers to incorporate the 5 components essential to an effective reading program into their daily lessons. The 5 components described in this subdivision are phonemic awareness, phonics, vocabulary, fluency, and comprehension.

(b) Trains educators to teach reading using a proven, multisensory approach.

(c) Educates teachers on how to explicitly and effectively teach reading to beginning readers.

(d) Breaks reading and spelling down into smaller skills involving letters and sounds, and then builds on these skills over time.

(e) Uses multisensory teaching strategies to teach reading by using sight, hearing, touch, and movement to help students connect and learn the concepts being taught.

(3) Districts and intermediate districts may apply to the department for grants to purchase components or training through an eligible teacher training program from a provider of an eligible teacher training program, and, upon receiving an application but except as otherwise provided in this subsection, the department shall make payments to districts and intermediate districts for those purchases. The department shall make payments under this section on a first-come, first-served basis until funds are depleted.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1635e THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1635e.amended ******

388.1635e Grants to organizations for early literacy and academic support for at-need youth; qualifications; payments schedule.

Sec. 35e. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $1,000,000.00 for 2020-2021 for a grant to be distributed by the department to an organization to provide early literacy and academic support to at-need youth in this state.

(2) To qualify for a grant under this section, an organization must be exempt from federal income tax under section 501(c)(3) of the internal revenue code, 26 USC 501, and must be affiliated and in good standing with a national congressionally chartered organization's standards under 36 USC 20101 to 240112, and must meet both of the following:

(a) Is facility-based and provides proven and tested recreational, educational, and character building programs for children ages 6 to 18.

(b) Provides after-school and summer programs in at least 25 communities statewide, with youth development services available at least 20 hours per week during the school year and 30 hours per week during summer programming.

(3) A grant recipient under this section shall administer an early learning literacy program targeted at students in grades K-3. At least 60% of the participants in the program must qualify for free or reduced-priced lunch. Each entity receiving funds to implement the program shall report to the department on the number of children served, the types of services, and the outcome of those services.

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

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1635e.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1635e.amended Grants to organizations for early literacy and academic support for at-need youth; qualifications; payments schedule.

Sec. 35e. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $2,000,000.00 for 2021-2022 for a grant to be distributed by the department to an organization to provide early literacy and academic support to at-need youth in this state.

© Courtesy of www.legislature.mi.gov

(2) To qualify for a grant under this section, an organization must be exempt from federal income tax under section 501(c)(3) of the internal revenue code, 26 USC 501, and must be affiliated and in good standing with a national congressionally chartered organization's standards under 36 USC 20101 to 240112, and must meet both of the following:

(a) Is facility-based and provides proven and tested recreational, educational, and character building programs for children ages 6 to 18.

(b) Provides after-school and summer programs in at least 25 communities statewide, with youth development services available at least 20 hours per week during the school year and 30 hours per week during summer programming.

(3) A grant recipient under this section shall administer an early learning literacy program targeted at students in grades K-3. At least 60% of the participants in the program must qualify for free or reduced-priced lunch. Each entity receiving funds to implement the program shall report to the department on the number of children served, the types of services, and the outcome of those services.

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

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1635f THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1635f.amended ******

388.1635f Award to Chaldean community foundation; use of funds.

Sec. 35f. From the general fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $500,000.00 for the department to award to the Chaldean community foundation. The Chaldean community foundation shall use funds received under this section to support and expand early childhood learning opportunities, improve early literacy achievement, increase high school graduation rates for new Americans, and assist with diploma acquisition, skills training, and postsecondary education.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1635f.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1635f.amended Award to Chaldean community foundation; use of funds.

Sec. 35f. From the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $750,000.00 for the department to award to the Chaldean community foundation. The Chaldean community foundation shall use funds received under this section to support and expand early childhood learning opportunities, improve early literacy achievement, increase high school graduation rates for new Americans, and assist with diploma acquisition, skills training, and postsecondary education.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1635g.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1635g.added Competitive grants to eligible districts for innovative community libraries; requirements; ranking of awards.

Sec. 35g. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,000,000.00 for 2021-2022 for competitive grants to eligible districts that have established innovative community libraries.

(2) A district that has established an innovative community library that meets all of the following is an eligible district under this section:

(a) The library provides for the engagement and connection of readers.

(b) The library provides for resources that are used to further reading skills.

(c) The library provides for the involvement of community volunteers and donations.

(3) An eligible district may partner with an existing library to provide an innovative community library described in subsection (2).

(4) For the purpose of this section, an innovative community library described in subsection (2) does not need to be in a physical building.

(5) To receive funding under this section, an eligible district must apply for the funding to the department's innovation council, in a form and manner prescribed by the department's innovation council, by not later than March 15, 2022. The department's innovation council must develop an application process for the submission of applications for funding under this section by not later than December 15, 2021. The department's innovation council must score applications and award up to 20 grants under this section based on the

© Courtesy of www.legislature.mi.gov

following criteria by not later than July 15, 2022:

(a) How the innovative community library has addressed early childhood literacy gaps.

(b) How community partners of the innovative community library have engaged in addressing literacy gaps.

(c) How the innovative community library has connected different readers together.

(d) How the innovative community library will promote its approach to other districts or communities in addressing early literacy gaps.

(6) The grant awards under subsection (5) must be ranked in a manner in which there are 2 first-place grant awards, 2 second-place grant awards, 2 third-place grant awards, 2 fourth-place grant awards, 2 fifth-place grant awards, 2 sixth-place grant awards, 2 seventh-place grant awards, 2 eighth-place grant awards, 2 ninth-place grant awards, and 2 tenth-place grant awards. The first-place grant awards described in this subsection must receive the highest award of funding under this section and the amount of funding awarded under this section must decline sequentially with each numerical-place award described in this subsection, with the lowest award of funding under this section going to the tenth-place grant award recipients.

(7) Notwithstanding section 17b, subject to subsection (5), the department shall make payments to eligible districts under this section on a schedule determined by the department.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1635h.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1635h.added Allocation to the Jewish Federation of Metro Detroit; use of funds.

Sec. 35h. From the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $1,700,000.00 to the Jewish Federation of Metro Detroit to support day schools, day camps, and summer programming to help mitigate the impact of remote learning on students' mental health and physical well-being.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

388.1636, 388.1636a Repealed. 2000, Act 297, Eff. Oct. 1, 2000.

Compiler's note: The repealed sections pertained to comprehensive compensatory programs to improve readiness and achievement of educationally disadvantaged children, and grants for community based collaborative prevention services.

388.1637 Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed section pertained to eligibility of district for allocation under MCL 388.1632d.

388.1637a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to conditions in which requirements of MCL 388.1637(h) are considered met.

388.1638 Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed section pertained to number of prekindergarten children in need of special readiness assistance.

****** 388.1639 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1639.amended ******

388.1639 Receipt of funds under MCL 388.1632d; application; submission of implementation plan for approval; initial allocation; distribution of remaining funds; calculation of percentage of eligible children; additional eligible children; review of program components; definition.

Sec. 39. (1) An eligible applicant receiving funds under section 32d shall submit an application, in a form and manner prescribed by the department, by a date specified by the department in the immediately preceding fiscal year. An eligible applicant is not required to amend the applicant's current accounting cycle or adopt this state's fiscal year accounting cycle in accounting for financial transactions under this section. The application must include all of the following:

(a) The estimated total number of children in the community who meet the criteria of section 32d, as provided to the applicant by the department utilizing the most recent population data available from the American Community Survey conducted by the United States Census Bureau. The department shall ensure that it provides updated American Community Survey population data at least once every 3 years.

(b) The estimated number of children in the community who meet the criteria of section 32d and are being served exclusively by Head Start programs operating in the community.

(c) The number of children whom the applicant has the capacity to serve who meet the criteria of section

© Courtesy of www.legislature.mi.gov

32d including a verification of physical facility and staff resources capacity.

(2) After notification of funding allocations, an applicant receiving funds under section 32d shall also submit an implementation plan for approval, in a form and manner prescribed by the department, by a date specified by the department, that details how the applicant complies with the program components established by the department pursuant to section 32d.

(3) The initial allocation to each eligible applicant under section 32d is the lesser of the following:

(a) The sum of the number of children served in a school-day program in the preceding school year multiplied by $7,250.00 and the number of children served in a GSRP/Head Start blended program or a part-day program in the preceding school year multiplied by $3,625.00.

(b) The sum of the number of children the applicant has the capacity to serve in the current school year in a school-day program multiplied by $7,250.00 and the number of children served in a GSRP/Head Start blended program or a part-day program the applicant has the capacity to serve in the current school year multiplied by $3,625.00.

(4) If funds remain after the allocations under subsection (3), the department shall distribute the remaining funds to each intermediate district or consortium of intermediate districts that serves less than the state percentage benchmark determined under subsection (5). The department shall distribute these remaining funds to each eligible applicant based upon each applicant's proportionate share of the remaining unserved children necessary to meet the statewide percentage benchmark in intermediate districts or consortia of intermediate districts serving less than the statewide percentage benchmark. When all applicants have been given the opportunity to reach the statewide percentage benchmark, the statewide percentage benchmark may be reset, as determined by the department, until greater equity of opportunity to serve eligible children across all intermediate school districts has been achieved.

(5) For the purposes of subsection (4), the department shall calculate a percentage of children served by each intermediate district or consortium of intermediate districts by adding the number of children served in the immediately preceding year by that intermediate district or consortium with the number of eligible children under section 32d served exclusively by head start, as reported in a form and manner prescribed by the department, within the intermediate district or consortia service area and dividing that total by the total number of children within the intermediate district or consortium of intermediate districts who meet the criteria of section 32d as determined by the department utilizing the most recent population data available from the American Community Survey conducted by the United States Census Bureau. The department shall compare the resulting percentage of eligible children served to a statewide percentage benchmark to determine if the intermediate district or consortium is eligible for additional funds under subsection (4). The statewide percentage benchmark is 60%.

(6) If, taking into account the total amount to be allocated to the applicant as calculated under this section, an applicant determines that it is able to include additional eligible children in the great start readiness program without additional funds under section 32d, the applicant may include additional eligible children but does not receive additional funding under section 32d for those children.

(7) The department shall review the program components under section 32d and under this section at least biennially. The department also shall convene a committee of internal and external stakeholders at least once every 5 years to ensure that the funding structure under this section reflects current system needs under section 32d.

(8) As used in this section, "GSRP/Head Start blended program", "part-day program", and "school-day program" mean those terms as defined in section 32d as, for 2020-2021, impacted by section 32d(26).

History: Add. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1988, Act 509, Imd. Eff. Dec. 29, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”

Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”

Enacting section 1 of 2005 PA 155 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1639.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021. HOWEVER, SUBSECTION (9) OF THIS AMENDED SECTION APPLIES UPON ENACTMENT BEGINNING JULY 13, 2021: See compiler's note following this section. ******

388.1639.amended Receipt of funds under MCL 388.1632d; application; submission of implementation plan for approval; initial allocation; distribution of remaining funds; calculation of percentage of eligible children; additional eligible children; review of program components; 2020-2021 hold harmless funding levels.

Sec. 39. (1) An eligible applicant receiving funds under section 32d shall submit an application, in a form and manner prescribed by the department, by a date specified by the department in the immediately preceding fiscal year. An eligible applicant is not required to amend the applicant's current accounting cycle or adopt this state's fiscal year accounting cycle in accounting for financial transactions under this section. The application must include all of the following:

(a) The estimated total number of children in the community who meet the criteria of section 32d, as provided to the applicant by the department utilizing the most recent population data available from the American Community Survey conducted by the United States Census Bureau. The department shall ensure that it provides updated American Community Survey population data at least once every 3 years.

(b) The estimated number of children in the community who meet the criteria of section 32d and are being served exclusively by Head Start programs operating in the community.

(c) The number of children whom the applicant has the capacity to serve who meet the criteria of section 32d including a verification of physical facility and staff resources capacity.

(2) After notification of funding allocations, an applicant receiving funds under section 32d shall also submit an implementation plan for approval, in a form and manner prescribed by the department, by a date specified by the department, that details how the applicant complies with the program components established by the department pursuant to section 32d.

(3) The initial allocation to each eligible applicant under section 32d is the lesser of the following:

(a) The sum of the number of children served in a school-day program in the preceding school year multiplied by $8,700.00 and the number of children served in a GSRP/Head Start blended program or a part-day program in the preceding school year multiplied by $4,350.00.

(b) The sum of the number of children the applicant has the capacity to serve in the current school year in a school-day program multiplied by $8,700.00 and the number of children served in a GSRP/Head Start blended program or a part-day program the applicant has the capacity to serve in the current school year multiplied by $4,350.00.

(4) If funds remain after the allocations under subsection (3), the department shall distribute the remaining funds to each intermediate district or consortium of intermediate districts that serves less than the state percentage benchmark determined under subsection (5). The department shall distribute these remaining funds to each eligible applicant based upon each applicant's proportionate share of the remaining unserved children necessary to meet the statewide percentage benchmark in intermediate districts or consortia of intermediate districts serving less than the statewide percentage benchmark. When all applicants have been given the opportunity to reach the statewide percentage benchmark, the statewide percentage benchmark may be reset, as determined by the department, until greater equity of opportunity to serve eligible children across all intermediate school districts has been achieved.

(5) For the purposes of subsection (4), the department shall calculate a percentage of children served by each intermediate district or consortium of intermediate districts by adding the number of children served in the immediately preceding year by that intermediate district or consortium with the number of eligible

© Courtesy of www.legislature.mi.gov

children under section 32d served exclusively by head start, as reported in a form and manner prescribed by the department, within the intermediate district or consortia service area and dividing that total by the total number of children within the intermediate district or consortium of intermediate districts who meet the criteria of section 32d as determined by the department utilizing the most recent population data available from the American Community Survey conducted by the United States Census Bureau. The department shall compare the resulting percentage of eligible children served to a statewide percentage benchmark to determine if the intermediate district or consortium is eligible for additional funds under subsection (4). The statewide percentage benchmark is 100%.

(6) If, taking into account the total amount to be allocated to the applicant as calculated under this section, an applicant determines that it is able to include additional eligible children in the great start readiness program without additional funds under section 32d, the applicant may include additional eligible children but does not receive additional funding under section 32d for those children.

(7) The department shall review the program components under section 32d and under this section at least biennially. The department also shall convene a committee of internal and external stakeholders at least once every 5 years to ensure that the funding structure under this section reflects current system needs under section 32d.

(8) As used in this section, "GSRP/Head Start blended program", "part-day program", and "school-day program" mean those terms as defined in section 32d.

(9) For the 2020-2021 program year only, the number of children reported on the application described in subsection (1)(a), (b), and (c) must not be used by the department for the purpose of calculating hold harmless funding levels for 2021-2022. Hold harmless funding for 2021-2022 must be determined based on the 2019-2020 final allocations calculated and paid under section 32d in 2019-2020.

History: Add. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1988, Act 509, Imd. Eff. Dec. 29, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”

Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 3 of Act 48 of 2021 provides:

"Enacting section 3. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect October 1, 2021.

(2) Sections 6(8), 6a, 11, 11m, 11n, 11s(3), 22a, 22b, 24, 26c, 29a, 31d, 31f, 39a, 51a, 51c, 51d, 56, 62, 81, 104a, 147a, and 147e of the state school aid act of 1979, 1979 PA 94, MCL 388.1606, 388.1606a, 388.1611, 388.1611m, 388.1611n, 388.1611s, 388.1622a, 388.1622b, 388.1624, 388.1626c, 388.1629a, 388.1631d, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1656, 388.1662, 388.1681, 388.1704a, 388.1747a, and 388.1747e, as amended and sections 11t, 31p, and 39(9) of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, take effect upon enactment of this amendatory act."

388.1639a Allocation of federal funds for federal programs under the no child left behind act or every student succeeds act; definitions.

© Courtesy of www.legislature.mi.gov

Sec. 39a. (1) From the federal funds appropriated in section 11, there is allocated for 2020-2021 to districts, intermediate districts, and other eligible entities all available federal funding, estimated at $752,300,000.00 and there is allocated for 2021-2022 to districts, intermediate districts, and other eligible entities all available federal funding, estimated at $752,300,000.00, for the federal programs under the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95. These funds are allocated as follows:

(a) An amount estimated at $1,200,000.00 for 2020-2021 and estimated at $1,200,000.00 for 2021-2022 to provide students with drug- and violence-prevention programs and to implement strategies to improve school safety, funded from DED-OESE, drug-free schools and communities funds.

(b) An amount estimated at $100,000,000.00 for 2020-2021 and estimated at $100,000,000.00 for 2021-2022 for the purpose of preparing, training, and recruiting high-quality teachers and class size reduction, funded from DED-OESE, improving teacher quality funds.

(c) An amount estimated at $13,000,000.00 for 2020-2021 and estimated at $13,000,000.00 for 2021-2022 for programs to teach English to limited English proficient (LEP) children, funded from DED-OESE, language acquisition state grant funds.

(d) An amount estimated at $2,800,000.00 for 2020-2021 and estimated at $2,800,000.00 for 2021-2022 for rural and low-income schools, funded from DED-OESE, rural and low income school funds.

(e) An amount estimated at $535,000,000.00 for 2020-2021 and estimated at $535,000,000.00 for 2021-2022 to provide supplemental programs to enable educationally disadvantaged children to meet challenging academic standards, funded from DED-OESE, title I, disadvantaged children funds.

(f) An amount estimated at $9,200,000.00 for 2020-2021 and estimated at $9,200,000.00 for 2021-2022 for the purpose of identifying and serving migrant children, funded from DED-OESE, title I, migrant education funds.

(g) An amount estimated at $39,000,000.00 for 2020-2021 and estimated at $39,000,000.00 for 2021-2022 for the purpose of providing high-quality extended learning opportunities, after school and during the summer, for children in low-performing schools, funded from DED-OESE, twenty-first century community learning center funds.

(h) An amount estimated at $14,000,000.00 for 2020-2021 and estimated at $14,000,000.00 for 2021-2022 to help support local school improvement efforts, funded from DED-OESE, title I, local school improvement grants.

(i) An amount estimated at $35,000,000.00 for 2020-2021 and estimated at $35,000,000.00 for 2021-2022 to improve the academic achievement of students, funded from DED-OESE, title IV, student support and academic enrichment grants.

(j) An amount estimated at $3,100,000.00 for 2020-2021 and estimated at $3,100,000.00 for 2021-2022 for literacy programs that advance literacy skills for students from birth through grade 12, including, but not limited to, English-proficient students and students with disabilities, funded from DED-OESE, striving readers comprehensive literacy program.

(2) From the federal funds appropriated in section 11, there is allocated to districts, intermediate districts, and other eligible entities all available federal funding, estimated at $77,867,000.00 for 2020-2021 and estimated at $56,500,000.00 for 2021-2022 for the following programs that are funded by federal grants:

(a) An amount estimated at $24,367,000.00 for 2020-2021 and estimated at $3,000,000.00 for 2021-2022 to provide services to homeless children and youth, funded from DED-OVAE, homeless children and youth funds.

(b) An amount estimated at $24,000,000.00 for 2020-2021 and estimated at $24,000,000.00 for 2021-2022 for providing career and technical education services to pupils, funded from DED-OVAE, basic grants to states.

(c) An amount estimated at $14,000,000.00 for 2020-2021 and estimated at $14,000,000.00 for 2021-2022 for the Michigan charter school subgrant program, funded from DED–OII, public charter schools program funds.

(d) An amount estimated at $14,000,000.00 for 2020-2021 and estimated at $14,000,000.00 for 2021-2022 for the purpose of promoting and expanding high-quality preschool services, funded from HHS–OCC, preschool development funds.

(e) An amount estimated at $1,500,000.00 for 2020-2021 and estimated at $1,500,000.00 for 2021-2022 for the purpose of addressing priority substance abuse treatment, prevention, and mental health needs, funded from HHS-SAMHSA.

(3) The department shall distribute all federal funds allocated under this section in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public Law 106-25. Notwithstanding section 17b, the department shall make

© Courtesy of www.legislature.mi.gov

payments of federal funds to districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(4) For the purposes of applying for federal grants appropriated under this article, the department shall allow an intermediate district to submit a consortium application on behalf of 2 or more districts with the agreement of those districts as appropriate according to federal rules and guidelines.

(5) For the purposes of funding federal title I grants under this article, in addition to any other federal grants for which the strict discipline academy is eligible, the department shall allocate to a strict discipline academy out of title I, part A an amount equal to what the strict discipline academy would have received if included and calculated under title I, part D, or what it would receive under the formula allocation under title I, part A, whichever is greater.

(6) As used in this section:

(a) "DED" means the United States Department of Education.

(b) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(c) "DED-OII" means the DED Office of Innovation and Improvement.

(d) "DED-OVAE" means the DED Office of Vocational and Adult Education.

(e) "HHS" means the United States Department of Health and Human Services.

(f) "HHS-OCC" means the HHS Office of Child Care.

(g) "HHS-SAMHSA" means the HHS Substance Abuse and Mental Health Services Project.

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 92 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 .00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

The second sentence of subsection (1)(m), and subsections (1)(m)(*i*), (*ii*), and (*iii*), as amended by Act 121 of 2009, were vetoed by the governor on October 19, 2009.

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of

© Courtesy of www.legislature.mi.gov

government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1640 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to children in need of special readiness assistance.

****** 388.1641 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1641.amended ******

388.1641 English language learners; English language proficiency assessment; allocation of funds; report; audit; review of per-pupil distribution.

Sec. 41. (1) For a district to be eligible to receive funding under this section, the district must administer to English language learners the English language proficiency assessment known as the "WIDA ACCESS for English language learners" or the "WIDA Alternate ACCESS". From the appropriation in section 11, there is allocated an amount not to exceed $13,000,000.00 for 2020-2021 for payments to eligible districts for services for English language learners who have been administered the WIDA ACCESS for English language learners.

(2) The department shall distribute funding allocated under subsection (1) to eligible districts based on the number of full-time equivalent English language learners as follows:

(a) $900.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 1.0 and 1.9, or less, as applicable to each assessment.

(b) $620.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 2.0 and 2.9, or less, as applicable to each assessment.

(c) $100.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 3.0 and 3.9, or less, as applicable to each assessment.

(3) If funds allocated under subsection (1) are insufficient to fully fund the payments as prescribed under subsection (2), the department shall prorate payments on an equal percentage basis, with the same percentage proration applied to all funding categories.

(4) Each district receiving funds under subsection (1) shall submit to the department by July 15 of each fiscal year a report, not to exceed 10 pages, on the usage by the district of funds under subsection (1) in a form and manner determined by the department, including a brief description of each program conducted or services performed by the district using funds under subsection (1) and the amount of funds under subsection (1) allocated to each of those programs or services. If a district does not comply with this subsection, the department shall withhold an amount equal to the August payment due under this section until the district complies with this subsection. If the district does not comply with this subsection by the end of the fiscal year, the withheld funds are forfeited to the school aid fund.

(5) In order to receive funds under subsection (1), a district must allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district shall reimburse this state for all disallowances found in the audit.

(6) Beginning July 1, 2020, and every 3 years thereafter, the department shall review the per-pupil distribution under subsection (2), to ensure that funding levels are appropriate and make recommendations for adjustments to the members of the senate and house subcommittees on K-12 school aid appropriations.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Imd. Eff. June 24, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1641, which pertained to instructions for pupils of limited English-speaking ability, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

Subsection (7), as added by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

****** 388.1641.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1641.amended English language learners; English language proficiency assessment; allocation of funds; report; audit; review of per-pupil distribution.

Sec. 41. (1) For a district to be eligible to receive funding under this section, the district must administer to

© Courtesy of www.legislature.mi.gov

English language learners the English language proficiency assessment known as the "WIDA ACCESS for English language learners" or the "WIDA Alternate ACCESS". From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $25,200,000.00 for 2021-2022 for payments to eligible districts for services for English language learners who have been administered the WIDA ACCESS for English language learners.

(2) The department shall distribute funding allocated under subsection (1) to eligible districts based on the number of full-time equivalent English language learners as follows:

(a) $935.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 1.0 and 1.9, or less, as applicable to each assessment.

(b) $645.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 2.0 and 2.9, or less, as applicable to each assessment.

(c) $105.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 3.0 and 3.9, or less, as applicable to each assessment.

(3) If funds allocated under subsection (1) are insufficient to fully fund the payments as prescribed under subsection (2), the department shall prorate payments on an equal percentage basis, with the same percentage proration applied to all funding categories.

(4) Each district receiving funds under subsection (1) shall submit to the department by July 15 of each fiscal year a report, not to exceed 10 pages, on the usage by the district of funds under subsection (1) in a form and manner determined by the department, including a brief description of each program conducted or services performed by the district using funds under subsection (1) and the amount of funds under subsection (1) allocated to each of those programs or services. If a district does not comply with this subsection, the department shall withhold an amount equal to the August payment due under this section until the district complies with this subsection. If the district does not comply with this subsection by the end of the fiscal year, the withheld funds are forfeited to the school aid fund.

(5) In order to receive funds under subsection (1), a district must allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district shall reimburse this state for all disallowances found in the audit.

(6) Beginning July 1, 2020, and every 3 years thereafter, the department shall review the per-pupil distribution under subsection (2), to ensure that funding levels are appropriate and make recommendations for adjustments to the members of the senate and house subcommittees on K-12 school aid appropriations.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Imd. Eff. June 24, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1641, which pertained to instructions for pupils of limited English-speaking ability, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

Subsection (7), as added by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

****** 388.1641a.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1641a.added Allocation for Mi Alma and the Exito Educativo program; use of funds.

Sec. 41a. From the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $450,000.00 for Mi Alma and the Exito Educativo program. Mi Alma shall use funds allocated under this section for Exito Educativo, an after-school program that brings Latino parents and their children who are in high school together to learn about the requirements for high school graduation, the different sources of support, and the pathways to college.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The repealed section pertained to instruction for pupils of limited English-speaking ability.

Former MCL 388.1641a, which pertained to instruction for pupils of limited English-speaking ability was repealed by Act 92 of 2007, Imd. Eff. Oct. 1, 2007.

388.1643 Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to updating teacher certification tests.

388.1645-388.1648 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed sections pertained to school health education curriculum, school dropout prevention programs, gifted and talented pupil programs, and nonresidential alternative juvenile rehabilitation programs.

© Courtesy of www.legislature.mi.gov

388.1651 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to reimbursement to districts and intermediate districts for special education programs, services, and personnel, certain net tuition payments, and programs for pupils with handicaps.

388.1651a Allocations for reimbursement to districts and intermediate districts for special education programs, services, and personnel; net tuition payments for Michigan Schools for the Deaf and Blind; programs for pupils eligible for special education programs and services; allocations; reimbursement; shortfall; adjustments; total approved costs; rights, benefits, and tenure of transferred personnel; refund; foundation allowance; order of expenditures; responsibility for added costs of special education programs and services for pupil enrolled in public school academy; receipt of federal allocation by cyber school; report of certain information.

Sec. 51a. (1) From the state school aid fund money in section 11, there is allocated an amount not to exceed $1,079,296,100.00 for 2020-2021 and there is allocated an amount not to exceed $1,123,696,100.00 for 2021-2022 from state sources and all available federal funding under sections 1411 to 1419 of part B of the individuals with disabilities education act, 20 USC 1411 to 1419, estimated at $456,752,000.00 for 2020-2021 and $380,000,000.00 for 2021-2022, plus any carryover federal funds from previous year appropriations. The allocations under this subsection are for the purpose of reimbursing districts and intermediate districts for special education programs, services, and special education personnel as prescribed in article 3 of the revised school code, MCL 380.1701 to 380.1761; net tuition payments made by intermediate districts to the Michigan Schools for the Deaf and Blind; and special education programs and services for pupils who are eligible for special education programs and services according to statute or rule. For meeting the costs of special education programs and services not reimbursed under this article, a district or intermediate district may use money in general funds or special education funds, not otherwise restricted, or contributions from districts to intermediate districts, tuition payments, gifts and contributions from individuals or other entities, or federal funds that may be available for this purpose, as determined by the intermediate district plan prepared under article 3 of the revised school code, MCL 380.1701 to 380.1761. Notwithstanding section 17b, the department shall make payments of federal funds to districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(2) From the funds allocated under subsection (1), there is allocated the amount necessary, estimated at $319,000,000.00 for 2020-2021 and estimated at $332,000,000.00 for 2021-2022, for payments toward reimbursing districts and intermediate districts for 28.6138% of total approved costs of special education, excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation. Allocations under this subsection are made as follows:

(a) The department shall calculate the initial amount allocated to a district under this subsection toward fulfilling the specified percentages by multiplying the district's special education pupil membership, excluding pupils described in subsection (11), times the foundation allowance under section 20 of the pupil's district of residence, plus the amount of the district's per-pupil allocation under section 20m, not to exceed the target foundation allowance for the current fiscal year, or, for a special education pupil in membership in a district that is a public school academy, times an amount equal to the amount per membership pupil calculated under section 20(6). For an intermediate district, the amount allocated under this subdivision toward fulfilling the specified percentages is an amount per special education membership pupil, excluding pupils described in subsection (11), and is calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed the target foundation allowance for the current fiscal year, and that district's per-pupil allocation under section 20m.

(b) After the allocations under subdivision (a), the department shall pay a district or intermediate district for which the payments calculated under subdivision (a) do not fulfill the specified percentages the amount necessary to achieve the specified percentages for the district or intermediate district.

(3) From the funds allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $1,000,000.00 and there is allocated for 2021-2022 an amount not to exceed $1,000,000.00 to make payments to districts and intermediate districts under this subsection. If the amount allocated to a district or intermediate district for a fiscal year under subsection (2)(b) is less than the sum of the amounts allocated to the district or intermediate district for 1996-97 under sections 52 and 58, there is allocated to the district or intermediate district for the fiscal year an amount equal to that difference, adjusted by applying the same proration factor that was used in the distribution of funds under section 52 in 1996-97 as adjusted to the district's or intermediate district's necessary costs of special education used in calculations for the fiscal year. This adjustment is to reflect reductions in special education program operations or services between 1996-97

© Courtesy of www.legislature.mi.gov

and subsequent fiscal years. The department shall make adjustments for reductions in special education program operations or services in a manner determined by the department and shall include adjustments for program or service shifts.

(4) If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) is not sufficient to fulfill the specified percentages in subsection (2), then the department shall pay the shortfall to the district or intermediate district during the fiscal year beginning on the October 1 following the determination and shall adjust payments under subsection (3) as necessary. If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) exceeds the sum of the amount necessary to fulfill the specified percentages in subsection (2), then the department shall deduct the amount of the excess from the district's or intermediate district's payments under this article for the fiscal year beginning on the October 1 following the determination and shall adjust payments under subsection (3) as necessary. However, if the amount allocated under subsection (2)(a) in itself exceeds the amount necessary to fulfill the specified percentages in subsection (2), there is no deduction under this subsection.

(5) State funds are allocated on a total approved cost basis. Federal funds are allocated under applicable federal requirements.

(6) From the amount allocated in subsection (1), there is allocated an amount not to exceed $2,200,000.00 for 2020-2021 and there is allocated an amount not to exceed $2,200,000.00 for 2021-2022 to reimburse 100% of the net increase in necessary costs incurred by a district or intermediate district in implementing the revisions in the administrative rules for special education that became effective on July 1, 1987. As used in this subsection, "net increase in necessary costs" means the necessary additional costs incurred solely because of new or revised requirements in the administrative rules minus cost savings permitted in implementing the revised rules. The department shall determine net increase in necessary costs in a manner specified by the department.

(7) For purposes of this section and sections 51b to 58, all of the following apply:

(a) "Total approved costs of special education" are determined in a manner specified by the department and may include indirect costs, but must not exceed 115% of approved direct costs for section 52 and section 53a programs. The total approved costs include salary and other compensation for all approved special education personnel for the program, including payments for Social Security and Medicare and public school employee retirement system contributions. The total approved costs do not include salaries or other compensation paid to administrative personnel who are not special education personnel as that term is defined in section 6 of the revised school code, MCL 380.6. Costs reimbursed by federal funds, other than those federal funds included in the allocation made under this article, are not included. Special education approved personnel not utilized full time in the evaluation of students or in the delivery of special education programs, ancillary, and other related services are reimbursed under this section only for that portion of time actually spent providing these programs and services, with the exception of special education programs and services provided to youth placed in child caring institutions or juvenile detention programs approved by the department to provide an on-grounds education program.

(b) Beginning with the 2004-2005 fiscal year, a district or intermediate district that employed special education support services staff to provide special education support services in 2003-2004 or in a subsequent fiscal year and that in a fiscal year after 2003-2004 receives the same type of support services from another district or intermediate district shall report the cost of those support services for special education reimbursement purposes under this article. This subdivision does not prohibit the transfer of special education classroom teachers and special education classroom aides if the pupils counted in membership associated with those special education classroom teachers and special education classroom aides are transferred and counted in membership in the other district or intermediate district in conjunction with the transfer of those teachers and aides.

(c) If the department determines before bookclosing for a fiscal year that the amounts allocated for that fiscal year under subsections (2), (3), (6), and (11) and sections 53a, 54, and 56 will exceed expenditures for that fiscal year under subsections (2), (3), (6), and (11) and sections 53a, 54, and 56, then for a district or intermediate district whose reimbursement for that fiscal year would otherwise be affected by subdivision (b), subdivision (b) does not apply to the calculation of the reimbursement for that district or intermediate district and the department shall calculate reimbursement for that district or intermediate district in the same manner as it was for 2003-2004. If the amount of the excess allocations under subsections (2), (3), (6), and (11) and sections 53a, 54, and 56 is not sufficient to fully fund the calculation of reimbursement to those districts and intermediate districts under this subdivision, then the department shall prorate calculations and resulting reimbursement under this subdivision on an equal percentage basis. Beginning in 2015-2016, the amount of reimbursement under this subdivision for a fiscal year must not exceed $2,000,000.00 for any district or

© Courtesy of www.legislature.mi.gov

intermediate district.

(d) Reimbursement for ancillary and other related services, as that term is defined by R 340.1701c of the Michigan Administrative Code, is not provided when those services are covered by and available through private group health insurance carriers or federal reimbursed program sources unless the department and district or intermediate district agree otherwise and that agreement is approved by the state budget director. Expenses, other than the incidental expense of filing, must not be borne by the parent. In addition, the filing of claims must not delay the education of a pupil. A district or intermediate district is responsible for payment of a deductible amount and for an advance payment required until the time a claim is paid.

(e) Beginning with calculations for 2004-2005, if an intermediate district purchases a special education pupil transportation service from a constituent district that was previously purchased from a private entity; if the purchase from the constituent district is at a lower cost, adjusted for changes in fuel costs; and if the cost shift from the intermediate district to the constituent does not result in any net change in the revenue the constituent district receives from payments under sections 22b and 51c, then upon application by the intermediate district, the department shall direct the intermediate district to continue to report the cost associated with the specific identified special education pupil transportation service and shall adjust the costs reported by the constituent district to remove the cost associated with that specific service.

(8) A pupil who is enrolled in a full-time special education program conducted or administered by an intermediate district or a pupil who is enrolled in the Michigan Schools for the Deaf and Blind is not included in the membership count of a district, but is counted in membership in the intermediate district of residence.

(9) Special education personnel transferred from 1 district to another to implement the revised school code are entitled to the rights, benefits, and tenure to which the person would otherwise be entitled had that person been employed by the receiving district originally.

(10) If a district or intermediate district uses money received under this section for a purpose other than the purpose or purposes for which the money is allocated, the department may require the district or intermediate district to refund the amount of money received. The department shall deposit money that is refunded in the state treasury to the credit of the state school aid fund.

(11) From the funds allocated in subsection (1), there is allocated the amount necessary, estimated at $2,400,000.00 for 2020-2021 and estimated at $2,900,000.00 for 2021-2022, to pay the foundation allowances for pupils described in this subsection. The department shall calculate the allocation to a district under this subsection by multiplying the number of pupils described in this subsection who are counted in membership in the district times the sum of the foundation allowance under section 20 of the pupil's district of residence, plus the amount of the district's per-pupil allocation under section 20m, not to exceed the target foundation allowance for the current fiscal year, or, for a pupil described in this subsection who is counted in membership in a district that is a public school academy, times an amount equal to the amount per membership pupil under section 20(6). The department shall calculate the allocation to an intermediate district under this subsection in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence not to exceed the target foundation allowance for the current fiscal year and that district's per-pupil allocation under section 20m. This subsection applies to all of the following pupils:

(a) Pupils described in section 53a.

(b) Pupils counted in membership in an intermediate district who are not special education pupils and are served by the intermediate district in a juvenile detention or child caring facility.

(c) Pupils with an emotional impairment counted in membership by an intermediate district and provided educational services by the department of health and human services.

(12) If it is determined that funds allocated under subsection (2) or (11) or under section 51c will not be expended, funds up to the amount necessary and available may be used to supplement the allocations under subsection (2) or (11) or under section 51c in order to fully fund those allocations. After payments under subsections (2) and (11) and section 51c, the department shall expend the remaining funds from the allocation in subsection (1) in the following order:

(a) 100% of the reimbursement required under section 53a.

(b) 100% of the reimbursement required under subsection (6).

(c) 100% of the payment required under section 54.

(d) 100% of the payment required under subsection (3).

(e) 100% of the payments under section 56.

(13) The allocations under subsections (2), (3), and (11) are allocations to intermediate districts only and are not allocations to districts, but instead are calculations used only to determine the state payments under section 22b.

(14) If a public school academy that is not a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, enrolls under this section a pupil who resides outside of the intermediate

© Courtesy of www.legislature.mi.gov

district in which the public school academy is located and who is eligible for special education programs and services according to statute or rule, or who is a child with a disability, as that term is defined under the individuals with disabilities education act, Public Law 108-446, the intermediate district in which the public school academy is located and the public school academy shall enter into a written agreement with the intermediate district in which the pupil resides for the purpose of providing the pupil with a free appropriate public education, and the written agreement must include at least an agreement on the responsibility for the payment of the added costs of special education programs and services for the pupil. If the public school academy that enrolls the pupil does not enter into an agreement under this subsection, the public school academy shall not charge the pupil's resident intermediate district or the intermediate district in which the public school academy is located the added costs of special education programs and services for the pupil, and the public school academy is not eligible for any payouts based on the funding formula outlined in the resident or nonresident intermediate district's plan. If a pupil is not enrolled in a public school academy under this subsection, the provision of special education programs and services and the payment of the added costs of special education programs and services for a pupil described in this subsection are the responsibility of the district and intermediate district in which the pupil resides.

(15) For the purpose of receiving its federal allocation under part B of the individuals with disabilities education act, Public Law 108-446, a public school academy that is a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a, directly receives the federal allocation under part B of the individuals with disabilities education act, Public Law 108-446, from the intermediate district in which the cyber school is located, as the subrecipient. If the intermediate district does not distribute the funds described in this subsection to the cyber school by the part B application due date of July 1, the department may distribute the funds described in this subsection directly to the cyber school according to the formula prescribed in 34 CFR 300.705 and 34 CFR 300.816.

(16) For a public school academy that is a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a, that enrolls a pupil under this section, the intermediate district in which the cyber school is located shall ensure that the cyber school complies with sections 1701a, 1703, 1704, 1751, 1752, 1756, and 1757 of the revised school code, MCL 380.1701a, 380.1703, 380.1704, 380.1751, 380.1752, 380.1756, and 380.1757; applicable rules; and the individuals with disabilities education act, Public Law 108-446.

(17) For the purposes of this section, the department or the center shall only require a district or intermediate district to report information that is not already available from the financial information database maintained by the center.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2004, Act 518, Imd. Eff. Jan. 3, 2005;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 90, Imd. Eff. Apr. 4, 2006;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2016, Act 534, Eff. Apr. 9, 2017;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and

© Courtesy of www.legislature.mi.gov

state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 217 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1651b Funding; compliance with rules.

Sec. 51b. A district or intermediate district shall not receive funds under section 51a unless the district or intermediate district complies with rules promulgated under article 3 of the revised school code, being sections 380.1701 to 380.1766 of the Michigan Compiled Laws.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2013, Act 60, Eff. Oct. 1, 2013.

388.1651c Reimbursement for percentage of special education and special education transportation costs.

Sec. 51c. As required by the court in the consolidated cases known as *Durant v State of Michigan*, 456 Mich 175 (1997), from the allocation under section 51a(1), there is allocated for 2020-2021 and for 2021-2022, the amount necessary, estimated at $702,500,000.00 for 2020-2021 and $733,400,000.00 for 2021-2022, for payments to reimburse districts for 28.6138% of total approved costs of special education excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation. Funds allocated under this section that are not expended in the fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 22b to fully fund those allocations for the same fiscal year. For each fund transfer as described in the immediately preceding sentence that occurs, the state budget director shall send notification of the transfer to the house and senate appropriations subcommittees on state school aid and the house and senate fiscal agencies by not later than 14 calendar days after the transfer occurs.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct.

© Courtesy of www.legislature.mi.gov

1, 2004;—Am. 2005, Act 98, Imd. Eff. July 22, 2005;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Imd. Eff. June 17, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 98 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1651d Federally funded special education programs and services; distribution; payment schedule; "DED-OSERS" defined.

Sec. 51d. (1) From the federal funds appropriated in section 11, there is allocated for 2020-2021 all available federal funding, estimated at $83,195,000.00, and there is allocated for 2021-2022 all available federal funding, estimated at $71,000,000.00, for special education programs and services that are funded by federal grants. The department shall distribute all federal funds allocated under this section in accordance with federal law. Notwithstanding section 17b, the department shall make payments of federal funds to districts,

© Courtesy of www.legislature.mi.gov

intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(2) From the federal funds allocated under subsection (1), the following amounts are allocated:

(a) For 2020-2021, an amount estimated at $19,822,000.00 for handicapped infants and toddlers, funded from DED-OSERS, handicapped infants and toddlers funds. For 2021-2022, an amount estimated at $14,000,000.00 for handicapped infants and toddlers, funded from DED-OSERS, handicapped infants and toddlers funds.

(b) For 2020-2021, an amount estimated at $20,373,000.00 for preschool grants under Public Law 94-142, funded from DED-OSERS, handicapped preschool incentive funds. For 2021-2022, an amount estimated at $14,000,000.00 for preschool grants under Public Law 94-142, funded from DED-OSERS, handicapped preschool incentive funds.

(c) For 2020-2021 and for 2021-2022, an amount estimated at $43,000,000.00 for special education programs funded by DED-OSERS, handicapped program, individuals with disabilities act funds.

(3) As used in this section, "DED-OSERS" means the United States Department of Education Office of Special Education and Rehabilitative Services.

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1651f THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1651f.amended ******

388.1651f Increased reimbursement for costs associated with providing special education services; limitation; "level percentage" defined.

Sec. 51f. (1) From the funds appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $60,207,000.00 for payments to districts and intermediate districts to increase the level of reimbursement of costs associated with providing special education services required under state and federal

© Courtesy of www.legislature.mi.gov

law.

(2) A district's or intermediate district's allocation under this section is equal to the level percentage multiplied by each district's or intermediate district's costs reported to the center on the special education actual cost report, known as "SE-4096" as referred to under section 18(6), as approved by the department.

(3) The total reimbursement under this section and under section 51c must not exceed the total reported costs for a district or intermediate district.

(4) For 2020-2021, the level percentage is estimated at 2.0%.

(5) For the purposes of this section, "level percentage" means the percentage calculated by dividing the allocation in subsection (1) by the total of costs reported to the center on the special education actual cost report, known as "SE-4096" as referred to under section 18(6), as approved by the department.

History: Add. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1651f.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1651f.amended Increased reimbursement for costs associated with providing special education services; limitation; "level percentage" defined.

Sec. 51f. (1) From the funds appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $90,207,000.00 for payments to districts and intermediate districts to increase the level of reimbursement of costs associated with providing special education services required under state and federal law.

(2) A district's or intermediate district's allocation under this section is equal to the level percentage multiplied by each district's or intermediate district's costs reported to the center on the special education actual cost report, known as "SE-4096" as referred to under section 18(6), as approved by the department.

(3) The total reimbursement under this section and under section 51c must not exceed the total reported costs for a district or intermediate district.

(4) For 2021-2022, the level percentage is estimated at 3.0%.

(5) For the purposes of this section, "level percentage" means the percentage calculated by dividing the allocation in subsection (1) by the total of costs reported to the center on the special education actual cost report, known as "SE-4096" as referred to under section 18(6), as approved by the department.

History: Add. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1651g.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1651g.added Allocation to association for administrators of special education services; use of funds;

Sec. 51g. From the general fund money appropriated in section 11, $3,000,000.00 is allocated for 2021-2022 to an association for administrators of special education services to develop content for use by special education students, teachers, and others. Any content that is developed as described in this section must be accessible throughout this state. Funds received by an association under this section may be used to support the development of assessment tools to measure the needs of students with special education needs in remote learning environments and the effectiveness of various educational methods and tools, in collaboration with the department. Funds under this section may also be utilized to identify any available federal funds for research related to special education in remote learning.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

388.1652 Special education programs and services; reimbursement; limitation.

Sec. 52. Reimbursement for the necessary costs of special education programs and services shall be a portion determined by the amount allocated under section 51a(1), but not to exceed 75% of the total approved costs of operating special education programs and services approved by the department and included or applying for inclusion in the intermediate district plan adopted pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766, for special education pupils other than those programs funded under section 53a, and of the costs of summer programs and services and the costs of providing room and board for special education pupils, as approved by the department. If the state financed proportion of reimbursement of the necessary costs of a special education activity or service required by article 3 of the revised school code, MCL 380.1701 to 380.1766, which is in addition to or different from the special education activities or services required under sections 611 to 620 of part B of the individuals with disabilities education act, title VI of Public Law 91-230, 20 U.S.C. 1411 to 1420, is less than the state financed proportion of the necessary costs of that activity or service in 1978-79, the portion of the amount appropriated shall be increased to reimburse

© Courtesy of www.legislature.mi.gov

that activity or service accordingly.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997.

388.1653 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to special education programs and services.

****** 388.1653a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1653a.amended ******

388.1653a Special education programs and services; reimbursement of total approved costs; limitation; costs of transportation; allocation.

Sec. 53a. (1) For districts, reimbursement for pupils described in subsection (2) is 100% of the total approved costs of operating special education programs and services approved by the department and included in the intermediate district plan adopted under article 3 of the revised school code, MCL 380.1701 to 380.1761, minus the district's foundation allowance calculated under section 20. For intermediate districts, the department shall calculate reimbursement for pupils described in subsection (2) in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed the target foundation allowance under section 20 for the current fiscal year.

(2) Reimbursement under subsection (1) is for the following special education pupils:

(a) Pupils assigned to a district or intermediate district through the community placement program of the courts or a state agency, if the pupil was a resident of another intermediate district at the time the pupil came under the jurisdiction of the court or a state agency.

(b) Pupils who are residents of institutions operated by the department of health and human services.

(c) Pupils who are former residents of department of community health institutions for the developmentally disabled who are placed in community settings other than the pupil's home.

(d) Pupils enrolled in a department-approved on-grounds educational program longer than 180 days, but not longer than 233 days, at a residential child care institution, if the child care institution offered in 1991-92 an on-grounds educational program longer than 180 days but not longer than 233 days.

(e) Pupils placed in a district by a parent for the purpose of seeking a suitable home, if the parent does not reside in the same intermediate district as the district in which the pupil is placed.

(3) Only those costs that are clearly and directly attributable to educational programs for pupils described in subsection (2), and that would not have been incurred if the pupils were not being educated in a district or intermediate district, are reimbursable under this section.

(4) The costs of transportation are funded under this section and are not reimbursed under section 58.

(5) The department shall not allocate more than $10,500,000.00 of the allocation for 2020-2021 in section 51a(1) under this section.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1653a, which pertained to competitive contract bidding process to provide education services to emotionally impaired pupils, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

****** 388.1653a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1653a.amended Special education programs and services; reimbursement of total approved costs; limitation; costs of transportation; allocation.

Sec. 53a. (1) For districts, reimbursement for pupils described in subsection (2) is 100% of the total approved costs of operating special education programs and services approved by the department and included in the intermediate district plan adopted under article 3 of the revised school code, MCL 380.1701 to 380.1761, minus the district's foundation allowance calculated under section 20 and minus the district's per-pupil allocation under section 20m. For intermediate districts, the department shall calculate reimbursement for pupils described in subsection (2) in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed the target foundation allowance under section 20 for the current fiscal year plus the amount of the district's per-pupil allocation under section 20m.

(2) Reimbursement under subsection (1) is for the following special education pupils:

(a) Pupils assigned to a district or intermediate district through the community placement program of the courts or a state agency, if the pupil was a resident of another intermediate district at the time the pupil came under the jurisdiction of the court or a state agency.

(b) Pupils who are residents of institutions operated by the department of health and human services.

(c) Pupils who are former residents of department of community health institutions for the developmentally disabled who are placed in community settings other than the pupil's home.

(d) Pupils enrolled in a department-approved on-grounds educational program longer than 180 days, but not longer than 233 days, at a residential child care institution, if the child care institution offered in 1991-92 an on-grounds educational program longer than 180 days but not longer than 233 days.

(e) Pupils placed in a district by a parent for the purpose of seeking a suitable home, if the parent does not reside in the same intermediate district as the district in which the pupil is placed.

(3) Only those costs that are clearly and directly attributable to educational programs for pupils described in subsection (2), and that would not have been incurred if the pupils were not being educated in a district or intermediate district, are reimbursable under this section.

(4) The costs of transportation are funded under this section and are not reimbursed under section 58.

(5) The department shall not allocate more than $10,500,000.00 of the allocation for 2021-2022 in section 51a(1) under this section.

© Courtesy of www.legislature.mi.gov

History: Add. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1653a, which pertained to competitive contract bidding process to provide education services to emotionally impaired pupils, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

****** 388.1654 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1654.amended ******

388.1654 Intermediate district to receive amount for pupil attending Michigan Schools for the Deaf and Blind.

Sec. 54. Each intermediate district receives an amount per-pupil for each pupil in attendance at the Michigan Schools for the Deaf and Blind. The amount is proportionate to the total instructional cost at each school. The department shall not allocate more than $1,688,000.00 of the allocation for 2020-2021 in section 51a(1) under this section.

History: Add. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;

© Courtesy of www.legislature.mi.gov

—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”

Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1654.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1654.amended Intermediate district to receive amount for pupils attending Michigan Schools for the Deaf and Blind.

Sec. 54. Each intermediate district receives an amount per pupil for each pupil in attendance at the Michigan Schools for the Deaf and Blind. The amount is proportionate to the total instructional cost at each school. The department shall not allocate more than $1,688,000.00 of the allocation for 2021-2022 in section 51a(1) under this section.

History: Add. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am.

© Courtesy of www.legislature.mi.gov

1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”

Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1654a Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed section pertained to lending library at central Michigan university.

****** 388.1654b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1654b.amended ******

388.1654b Implementation of recommendations of special education reform task force; piloting statewide implementation of Michigan Integrated Behavior and Learning Support Initiative.

Sec. 54b. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $1,600,000.00 for 2020-2021 to continue the implementation of the recommendations of the special education reform task force published in January 2016.

(2) The department shall use funds allocated under this section for the purpose of piloting statewide implementation of the Michigan Integrated Behavior and Learning Support Initiative (MiBLSI), a nationally recognized program that includes positive behavioral intervention and supports and provides a statewide structure to support local initiatives for an integrated behavior and reading program. With the assistance of the intermediate districts involved in MiBLSI, the department shall identify a number of intermediate districts to participate in the pilot that is sufficient to ensure that MiBLSI can be implemented statewide with fidelity and

© Courtesy of www.legislature.mi.gov

sustainability. In addition, the department shall identify an intermediate district to act as a fiscal agent for these funds.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1654b, which pertained to a conductive learning center, was repealed by Act 137 of 2007, Imd. Eff. Nov. 8, 2007.

****** 388.1654b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1654b.amended Implementation of recommendations of special education reform task force; piloting statewide implementation of Michigan Integrated Behavior and Learning Support Initiative.

Sec. 54b. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $1,600,000.00 for 2021-2022 to continue the implementation of the recommendations of the special education reform task force published in January 2016.

(2) The department shall use funds allocated under this section for the purpose of piloting statewide implementation of the Michigan Integrated Behavior and Learning Support Initiative (MiBLSI), a nationally recognized program that includes positive behavioral intervention and supports and provides a statewide structure to support local initiatives for an integrated behavior and reading program. With the assistance of the intermediate districts involved in MiBLSI, the department shall identify a number of intermediate districts to participate in the pilot that is sufficient to ensure that MiBLSI can be implemented statewide with fidelity and sustainability. In addition, the department shall identify an intermediate district to act as a fiscal agent for these funds.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1654b, which pertained to a conductive learning center, was repealed by Act 137 of 2007, Imd. Eff. Nov. 8, 2007.

388.1654c Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed section pertained to availability of newsline electronically.

****** 388.1654d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1654d.amended ******

388.1654d Early on services program; grant eligibility; use of funds; distribution and allocation; report.

Sec. 54d. (1) From the appropriations in section 11, there is allocated an amount not to exceed $7,150,000.00 for 2020-2021 to intermediate districts for the purpose of providing state early on services programs for children from birth to 3 years of age with a developmental delay or a disability, or both, and their families, as described in the early on Michigan state plan, as approved by the department.

(2) To be eligible to receive grant funding under this section, each intermediate district must apply in a form and manner determined by the department.

(3) The grant funding allocated under this section must be used to increase early on services and resources available to children that demonstrate developmental delays to help prepare them for success as they enter school. State early on services include evaluating and providing early intervention services for eligible infants and toddlers and their families to address developmental delays, including those affecting physical, cognitive, communication, adaptive, social, or emotional development. Grant funds must not be used to supplant existing services that are currently being provided.

(4) The department shall distribute the funds allocated under subsection (1) to intermediate districts according to the department's early on funding formula utilized to distribute the federal award to Michigan under part C of the individuals with disabilities education act. Funds received under this section must not supplant existing funds or resources allocated for early on early intervention services. An intermediate district receiving funds under this section shall maximize the capture of Medicaid funds to support early on early intervention services to the extent possible.

(5) Each intermediate district that receives funds under this section shall report data and other information to the department in a form, manner, and frequency prescribed by the department to allow for monitoring and evaluation of the program and to ensure that the children described in subsection (1) received appropriate levels and types of services delivered by qualified personnel, based on the individual needs of the children and their families.

© Courtesy of www.legislature.mi.gov

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

History: Add. 2018, Act 265, Eff. Oct 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1654d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1654d.amended Early on services program; grant eligibility; use of funds; distribution and allocation; report.

Sec. 54d. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $14,150,000.00 for 2021-2022 to intermediate districts for the purpose of providing state early on services programs for children from birth to 3 years of age with a developmental delay or a disability, or both, and their families, as described in the early on Michigan state plan, as approved by the department.

(2) To be eligible to receive grant funding under this section, each intermediate district must apply in a form and manner determined by the department.

(3) The grant funding allocated under this section must be used to increase early on services and resources available to children that demonstrate developmental delays to help prepare them for success as they enter school. State early on services include evaluating and providing early intervention services for eligible infants and toddlers and their families to address developmental delays, including those affecting physical, cognitive, communication, adaptive, social, or emotional development. Grant funds must not be used to supplant existing services that are currently being provided.

(4) The department shall distribute the funds allocated under subsection (1) to intermediate districts according to the department's early on funding formula utilized to distribute the federal award to Michigan under part C of the individuals with disabilities education act, Public Law 108-446. Funds received under this section must not supplant existing funds or resources allocated for early on early intervention services. An intermediate district receiving funds under this section shall maximize the capture of Medicaid funds to support early on early intervention services to the extent possible.

(5) Each intermediate district that receives funds under this section shall report data and other information to the department in a form, manner, and frequency prescribed by the department to allow for monitoring and evaluation of the program and to ensure that the children described in subsection (1) received appropriate levels and types of services delivered by qualified personnel, based on the individual needs of the children and their families.

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

(7) Grant funds awarded and allocated to an intermediate district under this section must be expended by the grant recipient before June 30 of the fiscal year immediately following the fiscal year in which the funds were received.

History: Add. 2018, Act 265, Eff. Oct 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1654e Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to the training program for evidence-based parent-implemented models of intervention for the treatment of autism.

****** 388.1655 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1655.amended ******

388.1655 Conductive education for children with neuromotor disabilities; allocation for Conductive Learning Center; distribution.

Sec. 55. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $250,000.00 for 2020-2021 to the Conductive Learning Center located at Aquinas College. This funding must be used to support the operational costs of the conductive education model taught at the Conductive Learning Center to maximize the independence and mobility of children and adults with neuromotor disabilities. The conductive education model funded under this section must be based on the concept of neuroplasticity and the ability of people to learn and improve when they are motivated, regardless of the severity of their disability.

(2) Notwithstanding section 17b, the department shall distribute the funding allocated under this section to the Conductive Learning Center not later than December 1, 2020.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

© Courtesy of www.legislature.mi.gov

Compiler's note: Former MCL 388.1655, which pertained to allocation to west Michigan center for autism spectrum disorders at Grand Valley state university, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

****** 388.1655.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1655.amended Conductive education for children and adults with neuromotor disabilities; allocation for Conductive Learning Center; distribution.

Sec. 55. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $250,000.00 for 2021-2022 to the Conductive Learning Center located at Aquinas College. This funding must be used to support the operational costs of the conductive education model taught at the Conductive Learning Center to maximize the independence and mobility of children and adults with neuromotor disabilities. The conductive education model funded under this section must be based on the concept of neuroplasticity and the ability of people to learn and improve when they are motivated, regardless of the severity of their disability.

(2) Notwithstanding section 17b, the department shall distribute the funding allocated under this section to the Conductive Learning Center not later than December 1, 2021.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1655, which pertained to allocation to west Michigan center for autism spectrum disorders at Grand Valley state university, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

388.1656 Definitions; reimbursement to intermediate districts levying millage for special education; limitation; distribution plan; computation; payments.

Sec. 56. (1) For the purposes of this section:

(a) "Membership" means for a particular fiscal year the total membership of the intermediate district and the districts constituent to the intermediate district, except that if a district has elected not to come under part 30 of the revised school code, MCL 380.1711 to 380.1741, membership of the district is not included in the membership of the intermediate district.

(b) "Millage levied" means the millage levied for special education under part 30 of the revised school code, MCL 380.1711 to 380.1741, including a levy for debt service obligations.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district, except that if a district has elected not to come under part 30 of the revised school code, MCL 380.1711 to 380.1741, taxable value of the district is not included in the taxable value of the intermediate district.

(2) From the allocation under section 51a(1), there is allocated an amount not to exceed $40,008,100.00 for 2020-2021 and an amount not to exceed $40,008,100.00 for 2021-2022 to reimburse intermediate districts levying millages for special education under part 30 of the revised school code, MCL 380.1711 to 380.1741. The purpose, use, and expenditure of the reimbursement are limited as if the funds were generated by these millages and governed by the intermediate district plan adopted under article 3 of the revised school code, MCL 380.1701 to 380.1761. As a condition of receiving funds under this section, an intermediate district distributing any portion of special education millage funds to its constituent districts must submit for departmental approval and implement a distribution plan.

(3) Except as otherwise provided in this subsection, reimbursement for those millages levied in 2019-2020 is made in 2020-2021 at an amount per 2019-2020 membership pupil computed by subtracting from $208,800.00 the 2019-2020 taxable value behind each membership pupil and multiplying the resulting difference by the 2019-2020 millage levied, and then subtracting from that amount the 2019-2020 local community stabilization share revenue for special education purposes behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362. Reimbursement in 2020-2021 for an intermediate district whose 2017-2018 allocation was affected by the operation of subsection (5) is an amount equal to 102.5% of the 2017-2018 allocation to that intermediate district.

(4) Except as otherwise provided in this subsection, reimbursement for those millages levied in 2020-2021 is made in 2021-2022 at an amount per 2020-2021 membership pupil computed by subtracting from $215,900.00 the 2020-2021 taxable value behind each membership pupil and multiplying the resulting difference by the 2020-2021 millage levied, and then subtracting from that amount the 2020-2021 local community stabilization share revenue for special education purposes behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362. Reimbursement in 2021-2022 for an intermediate district whose 2017-2018 allocation was affected by the operation of subsection (5) is an amount equal to 102.5% of the 2017-2018 allocation to that intermediate district.

© Courtesy of www.legislature.mi.gov

(5) The department shall ensure that the amount paid to a single intermediate district under this section does not exceed 62.9% of the total amount allocated under subsection (2).

(6) The department shall ensure that the amount paid to a single intermediate district under this section is not less than 75% of the amount allocated to the intermediate district under this section for the immediately preceding fiscal year.

(7) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $34,200,000.00 for 2021-2022 to provide payments to intermediate districts levying millages for special education under part 30 of the revised school code, MCL 380.1711 to 380.1741. The purpose, use, and expenditure of the payments under this subsection are limited as if the funds were generated by these millages and governed by the intermediate district plan adopted under article 3 of the revised school code, MCL 380.1701 to 380.1761. The department shall provide a payment under this subsection to each intermediate district described in this subsection as follows:

(a) Except as otherwise provided in this subsection, for an intermediate district with a 2020-2021 3-year average special education millage revenue per pupil that is less than $251.00 and that is levying at least 46.2% but less than 60.0% of its maximum millage rate allowed under section 1724a of the revised school code, MCL 380.1724a, an amount computed by subtracting from $251.00 the 2020-2021 3-year average special education millage revenue per pupil and, only if the millage levied by the intermediate district is less than 1, multiplying that amount by the number of mills levied divided by 1, and then multiplying that amount by the 2020-2021 3-year average membership, and then subtracting from that amount the amount allocated under subsection (2) for 2021-2022. If the calculation under this subdivision results in an amount below zero, there is no payment under this subdivision.

(b) Except as otherwise provided in this subsection, for an intermediate district with a 2020-2021 3-year average special education millage revenue per pupil that is less than $281.00 and that is levying at least 60.0% of its maximum millage rate allowed under section 1724a of the revised school code, MCL 380.1724a, an amount computed by subtracting from $281.00 the 2020-2021 3-year average special education millage revenue per pupil, and, only if the millage levied by the intermediate district is less than 1, multiplying that amount by the number of mills levied divided by 1, and then multiplying that amount by the 2020-2021 3-year average membership, and then subtracting from that amount the amount allocated under subsection (2) for 2021-2022. If the calculation under this subdivision results in an amount below zero, there is no payment under this subdivision.

(8) As used in subsection (7):

(a) "2020-2021 3-year average membership" means the 3-year average pupil membership for 2018-2019, 2019-2020, and 2020-2021.

(b) "2020-2021 3-year average special education millage revenue per pupil" means the 3-year average taxable value per mill levied behind each membership pupil for 2018-2019, 2019-2020, and 2020-2021 multiplied by the 2020-2021 millage levied.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 217 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

388.1657 Repealed. 2010, Act 110, Eff. Oct. 1, 2010.

Compiler's note: The repealed section pertained to deduction of amount fro total state school aid and agreement by district with department to develop school consolidation plan.

388.1657a Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's note: The repealed section pertained to international baccalaureate diploma program or international baccalaureate middle years program.

388.1658 Special education transportation services; basis; report on certain information.

Sec. 58. Allocations to districts and intermediate districts under section 51a for providing special education transportation services shall be based on data reported by the districts and intermediate districts for the current school year. For the purposes of this section, the department or the center shall only require a district or intermediate district to report information that is not already available from the financial information database maintained by the center.

History: Add. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2016, Act 534, Eff. Apr. 9, 2017.

388.1661 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to reimbursement for vocational-technical education programs.

****** 388.1661a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1661a.amended ******

388.1661a Career and technical education programs; added cost; inclusion of participation of students in grade 9; administration and reimbursement; participation under section 107.

Sec. 61a. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $37,611,300.00 for 2020-2021 to reimburse on an added cost basis districts, except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year and that has a foundation allowance as calculated under section 20 greater than the minimum foundation allowance under

© Courtesy of www.legislature.mi.gov

that section, and secondary area vocational-technical education centers for secondary-level career and technical education programs according to rules approved by the superintendent. Applications for participation in the programs must be submitted in the form prescribed by the department. The department shall determine the added cost for each career and technical education program area. The department shall prioritize the allocation of added cost funds based on the capital and program expenditures needed to operate the career and technical education programs provided; the number of pupils enrolled; the advancement of pupils through the instructional program; the existence of an articulation agreement with at least 1 postsecondary institution that provides pupils with opportunities to earn postsecondary credit during the pupil's participation in the career and technical education program and transfers those credits to the postsecondary institution upon completion of the career and technical education program; and the program rank in student placement, job openings, and wages, and shall ensure that the allocation does not exceed 75% of the added cost of any program. Notwithstanding any rule or department determination to the contrary, when determining a district's allocation or the formula for making allocations under this section, the department shall include the participation of pupils in grade 9 in all of those determinations and in all portions of the formula. With the approval of the department, the board of a district maintaining a secondary career and technical education program may offer the program for the period from the close of the school year until September 1. The program shall use existing facilities and must be operated as prescribed by rules promulgated by the superintendent.

(2) Except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year, the department shall reimburse districts and intermediate districts for local career and technical education administration, shared time career and technical education administration, and career education planning district career and technical education administration. The superintendent shall adopt guidelines for the definition of what constitutes administration and shall make reimbursement pursuant to those guidelines. The department shall not distribute more than $800,000.00 of the allocation in subsection (1) under this subsection.

(3) A career and technical education program funded under this section may provide an opportunity for participants who are eligible to be funded under section 107 to enroll in the career and technical education program funded under this section if the participation does not occur during regular school hours.

History: Add. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

© Courtesy of www.legislature.mi.gov

For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Subsection (3), as amended by Act 121 of 2009, was vetoed by the governor on October 19, 2009.

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Subsection (4), as amended by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

****** 388.1661a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1661a.amended Career and technical education programs; added cost; inclusion of participation of students in grade 9; administration and reimbursement; eligible participants under section 107.

Sec. 61a. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $37,611,300.00 for 2021-2022 to reimburse on an added cost basis districts, except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year and that has a foundation allowance as calculated under section 20 greater than the minimum foundation allowance under that section, and secondary area vocational-technical education centers for secondary-level career and technical education programs according to rules approved by the superintendent. Applications for participation in the programs must be submitted in the form prescribed by the department. The department shall determine the added cost for each career and technical education program area. The department shall prioritize the allocation of added cost funds based on the capital and program expenditures needed to operate the career and technical education programs provided; the number of pupils enrolled; the advancement of pupils through the instructional program; the existence of an articulation agreement with at least 1 postsecondary institution that provides pupils with opportunities to earn postsecondary credit during the pupil's participation in the career and technical education program and transfers those credits to the postsecondary institution upon completion of the career and technical education program; and the program rank in student placement, job openings, and wages, and shall ensure that the allocation does not exceed 75% of the added cost of any program. Notwithstanding any rule or department determination to the contrary, when determining a district's allocation or the formula for making allocations under this section, the department shall include the participation of pupils in grade 9 in all of those determinations and in all portions of the formula. With the approval of the department, the board of a district maintaining a secondary career and technical education program may offer the program for the period from the close of the school year until September 1. The program shall use existing facilities and must be operated as prescribed by rules promulgated by the superintendent.

(2) Except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year, the department shall reimburse districts and intermediate districts for local career and technical education administration, shared time career and technical education administration, and career education planning district career and technical education administration. The superintendent shall adopt guidelines for the definition of what constitutes administration and shall make reimbursement pursuant to those guidelines. The department shall not distribute more than $800,000.00 of the allocation in subsection (1) under this subsection.

(3) A career and technical education program funded under this section may provide an opportunity for participants who are eligible to be funded under section 107 to enroll in the career and technical education program funded under this section if the participation does not occur during regular school hours.

History: Add. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act

© Courtesy of www.legislature.mi.gov

342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Subsection (3), as amended by Act 121 of 2009, was vetoed by the governor on October 19, 2009.

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Subsection (4), as amended by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

****** 388.1661b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1661b.amended ******

388.1661b Career and technical education early/middle college and career and technical education dual enrollment programs; career and educational advisory council; regional strategic plan; distribution of funds; definitions.

Sec. 61b. (1) From the funds appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $8,000,000.00 from the state school aid fund appropriation for CTE early/middle college and CTE dual enrollment programs authorized under this section and for planning grants for the development or expansion of CTE early/middle college programs. The purpose of these programs is to increase the number of Michigan residents with high-quality degrees or credentials, and to increase the number of students who are college and career ready upon high school graduation.

(2) From the funds allocated under subsection (1), the department shall allocate an amount as determined under this subsection to each intermediate district serving as a fiscal agent for state-approved CTE early/middle college and CTE dual enrollment programs in each of the career education planning districts identified by the department. An intermediate district shall not use more than 5% of the funds allocated under this subsection for administrative costs for serving as the fiscal agent.

© Courtesy of www.legislature.mi.gov

(3) To be an eligible fiscal agent, an intermediate district must agree to do all of the following in a form and manner determined by the department:

(a) Distribute funds to eligible CTE early/middle college and CTE dual enrollment programs in a career education planning district as described in this section.

(b) Collaborate with the career and educational advisory council in the workforce development board service delivery area to develop 1 regional strategic plan under subsection (4) that aligns CTE programs and services into an efficient and effective delivery system for high school students. The department will align career education planning districts, workforce development board service delivery areas, and intermediate districts for the purpose of creating 1 regional strategic plan for each workforce development board service delivery area.

(c) Implement a regional process to rank career clusters in the workforce development board service delivery area as described under subsection (4). Regional processes must be approved by the department before the ranking of career clusters.

(d) Report CTE early/middle college and CTE dual enrollment program and student data and information as prescribed by the department and the center.

(4) A regional strategic plan must be approved by the career and educational advisory council before submission to the department. A regional strategic plan must include, but is not limited to, the following:

(a) An identification of regional employer need based on a ranking of all career clusters in the workforce development board service delivery area ranked by 10-year job openings projections and median wage for each standard occupational code in each career cluster as obtained from the United States Bureau of Labor Statistics. Standard occupational codes within high-ranking clusters also may be further ranked by median wage. The career and educational advisory council located in the workforce development board service delivery area shall review the rankings and modify them if necessary to accurately reflect employer demand for talent in the workforce development board service delivery area. A career and educational advisory council shall document that it has conducted this review and certify that it is accurate. These career cluster rankings must be determined and updated once every 4 years.

(b) An identification of educational entities in the workforce development board service delivery area that will provide eligible CTE early/middle college and CTE dual enrollment programs including districts, intermediate districts, postsecondary institutions, and noncredit occupational training programs leading to an industry-recognized credential.

(c) A strategy to inform parents and students of CTE early/middle college and CTE dual enrollment programs in the workforce development board service delivery area.

(d) Any other requirements as defined by the department.

(5) An eligible CTE program is a program that meets all of the following:

(a) Has been identified in the highest 5 career cluster rankings in any of the 16 workforce development board service delivery area strategic plans jointly approved by the department of labor and economic opportunity and the department.

(b) Has a coherent sequence of courses that will allow a student to earn a high school diploma and achieve at least 1 of the following in a specific career cluster:

(*i*) An associate degree.

(*ii*) An industry-recognized technical certification approved by the department of labor and economic opportunity.

(*iii*) Up to 60 transferable college credits.

(*iv*) Participation in a registered apprenticeship, pre-apprenticeship, or apprentice readiness program.

(c) Is aligned with the Michigan merit curriculum.

(d) Has an articulation agreement with at least 1 postsecondary institution that provides students with opportunities to receive postsecondary credits during the student's participation in the CTE early/middle college or CTE dual enrollment program and transfers those credits to the postsecondary institution upon completion of the CTE early/middle college or CTE dual enrollment program.

(e) Provides instruction that is supervised, directed, or coordinated by an appropriately certificated CTE teacher or, for concurrent enrollment courses, a postsecondary faculty member.

(f) Provides for highly integrated student support services that include at least the following:

(*i*) Teachers as academic advisors.

(*ii*) Supervised course selection.

(*iii*) Monitoring of student progress and completion.

(*iv*) Career planning services provided by a local one-stop service center as described in the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.111 to 408.135, or by a high school counselor or advisor.

© Courtesy of www.legislature.mi.gov

(g) Has courses that are taught on a college campus, are college courses offered at the high school and taught by college faculty, or are courses taught in combination with online instruction.

(6) The department shall distribute funds to eligible CTE early/middle college and CTE dual enrollment programs as follows:

(a) The department shall determine statewide average CTE costs per pupil for each CIP code program by calculating statewide average costs for each CIP code program for the 3 most recent fiscal years.

(b) The distribution to each eligible CTE early/middle college or CTE dual enrollment program is the product of 50% of CTE costs per pupil times the pupil enrollment of each eligible CTE early/middle college or CTE dual enrollment program in the immediately preceding school year.

(7) In order to receive funds under this section, a CTE early/middle college or CTE dual enrollment program shall furnish to the intermediate district that is the fiscal agent identified in subsection (2), in a form and manner determined by the department, all information needed to administer this program and meet federal reporting requirements; shall allow the department or the department's designee to review all records related to the program for which it receives funds; and shall reimburse the state for all disallowances found in the review, as determined by the department.

(8) There is allocated for 2020-2021 from the funds under subsection (1) an amount not to exceed $500,000.00 from the state school aid fund allocation for grants to intermediate districts or consortia of intermediate districts for the purpose of planning for new or expanded early/middle college programs. Applications for grants must be submitted in a form and manner determined by the department. The amount of a grant under this subsection must not exceed $50,000.00. To be eligible for a grant under this subsection, an intermediate district or consortia of intermediate districts must provide matching funds equal to the grant received under this subsection. Notwithstanding section 17b, the department shall make payments under this subsection in the manner determined by the department.

(9) Funds distributed under this section may be used to fund program expenditures that would otherwise be paid from foundation allowances. A program receiving funding under section 61a may receive funding under this section for allowable costs that exceed the reimbursement the program received under section 61a. The combined payments received by a program under section 61a and this section must not exceed the total allowable costs of the program. A program provider shall not use more than 5% of the funds allocated under this section to the program for administrative costs.

(10) If the allocation under subsection (1) is insufficient to fully fund payments as otherwise calculated under this section, the department shall prorate payments under this section on an equal percentage basis.

(11) If pupils enrolled in a career cluster in an eligible CTE early/middle college or CTE dual enrollment program qualify to be reimbursed under this section, those pupils continue to qualify for reimbursement until graduation, even if the career cluster is no longer identified as being in the highest 5 career cluster rankings.

(12) As used in this section:

(a) "Allowable costs" means those costs directly attributable to the program as jointly determined by the department of labor and economic opportunity and the department.

(b) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a workforce development board service delivery area consisting of educational, employer, labor, and parent representatives.

(c) "CIP" means classification of instructional programs.

(d) "CTE" means career and technical education programs.

(e) "CTE dual enrollment program" means a 4-year high school program of postsecondary courses offered by eligible postsecondary educational institutions that leads to an industry-recognized certification or degree.

(f) "Early/middle college program" means a 5-year high school program.

(g) "Eligible postsecondary educational institution" means that term as defined in section 3 of the career and technical preparation act, 2000 PA 258, MCL 388.1903.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $2,000,000.00 from the talent investment fund appropriation" was vetoed by the governor on September 30, 2019.

In subsection (8), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $2,000,000.00 from the talent investment fund allocation" was vetoed by the governor on September 30, 2019.

****** 388.1661b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

© Courtesy of www.legislature.mi.gov

388.1661b.amended Career and technical education early middle college and career and technical education dual enrollment programs; report by local education agency; career and educational advisory council; regional strategic plan; distribution of funds; definitions.

Sec. 61b. (1) From the funds appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $8,000,000.00 from the state school aid fund appropriation for CTE early middle college and CTE dual enrollment programs authorized under this section and for planning grants for the development or expansion of CTE early middle college programs. The purpose of these programs is to increase the number of Michigan residents with high-quality degrees or credentials, and to increase the number of students who are college and career ready upon high school graduation.

(2) From the funds allocated under subsection (1), the department shall allocate an amount as determined under this subsection to each intermediate district serving as a fiscal agent for state-approved CTE early middle college and CTE dual enrollment programs in each of the career education planning districts identified by the department. An intermediate district shall not use more than 5% of the funds allocated under this subsection for administrative costs for serving as the fiscal agent.

(3) To be an eligible fiscal agent, an intermediate district must agree to do all of the following in a form and manner determined by the department:

(a) Distribute funds to eligible CTE early middle college and CTE dual enrollment programs in a career education planning district as described in this section.

(b) Collaborate with the career and educational advisory council in the workforce development board service delivery area to develop 1 regional strategic plan under subsection (4) that aligns CTE programs and services into an efficient and effective delivery system for high school students. The department will align career education planning districts, workforce development board service delivery areas, and intermediate districts for the purpose of creating 1 regional strategic plan for each workforce development board service delivery area.

(c) Implement a regional process to rank career clusters in the workforce development board service delivery area as described under subsection (4). Regional processes must be approved by the department before the ranking of career clusters.

(d) Report CTE early middle college and CTE dual enrollment program and student data and information as prescribed by the department and the center.

(e) The local education agency responsible for student reporting in the Michigan student data system (MSDS) will report the total number of college credits the student earned, at the time of high school graduation, as determined by the department and the center.

(f) The local education agency will report each award outcome in the Michigan student data system (MSDS) that the CTE early middle college student attained. For purposes of this subsection, an on-track CTE early middle college graduate is a graduate who obtained their high school diploma and at least 1 of the following:

(*i*) An associate's degree.

(*ii*) 60 transferrable college credits.

(*iii*) Professional certification.

(*iv*) A Michigan Early Middle College Association certificate.

(*v*) Participation in a registered apprenticeship.

(4) A regional strategic plan must be approved by the career and educational advisory council before submission to the department. A regional strategic plan must include, but is not limited to, the following:

(a) An identification of regional employer need based on a ranking of all career clusters in the workforce development board service delivery area ranked by 10-year projections of annual job openings and median wage for each standard occupational code in each career cluster as obtained from the United States Bureau of Labor Statistics. Standard occupational codes within high-ranking clusters also may be further ranked by median wage and annual job openings. The career and educational advisory council located in the workforce development board service delivery area shall review the rankings and modify them if necessary to accurately reflect employer demand for talent in the workforce development board service delivery area. A career and educational advisory council shall document that it has conducted this review and certify that it is accurate. These career cluster rankings must be determined and updated once every 4 years.

(b) An identification of educational entities in the workforce development board service delivery area that will provide eligible CTE early middle college and CTE dual enrollment programs including districts, intermediate districts, postsecondary institutions, and noncredit occupational training programs leading to an industry-recognized credential.

© Courtesy of www.legislature.mi.gov

(c) A strategy to inform parents and students of CTE early middle college and CTE dual enrollment programs in the workforce development board service delivery area.

(d) Any other requirements as defined by the department.

(5) An eligible CTE program is a program that meets all of the following:

(a) Has been identified in the highest 5 career cluster rankings in any of the 16 workforce development board service delivery area strategic plans jointly approved by the department of labor and economic opportunity and the department.

(b) Has a coherent sequence of courses in a specific career cluster that will allow a student to earn a high school diploma and achieve at least 1 of the following:

(*i*) For CTE early middle college, outcomes as defined in subsection (3)(f).

(*ii*) For CTE dual enrollment, 1 of the following:

(A) An associate degree.

(B) An industry-recognized technical certification approved by the department of labor and economic opportunity.

(C) Up to 60 transferable college credits.

(D) Participation in a registered apprenticeship, pre-apprenticeship, or apprentice readiness program.

(c) Is aligned with the Michigan merit curriculum.

(d) Has an articulation or a college credit agreement with at least 1 postsecondary institution that provides students with opportunities to receive postsecondary credits during the student's participation in the CTE early middle college or CTE dual enrollment program and transfers those credits to the postsecondary institution upon completion of the CTE early middle college or CTE dual enrollment program.

(e) Provides instruction that is supervised, directed, or coordinated by an appropriately certificated CTE teacher or, for concurrent enrollment courses, a postsecondary faculty member.

(f) Provides for highly integrated student support services that include at least the following:

(*i*) Teachers as academic advisors.

(*ii*) Supervised course selection.

(*iii*) Monitoring of student progress and completion.

(*iv*) Career planning services provided by a local one-stop service center as described in the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.111 to 408.135, or by a high school counselor or advisor.

(g) Has courses that are taught on a college campus, are college courses offered at the high school and taught by college faculty, or are courses taught in combination with online instruction.

(6) The department shall distribute funds to eligible CTE early middle college and CTE dual enrollment programs as follows:

(a) The department shall determine statewide average CTE costs per pupil for each CIP code program by calculating statewide average costs for each CIP code program for the 3 most recent fiscal years.

(b) The distribution to each eligible CTE early middle college or CTE dual enrollment program is the product of 50% of CTE costs per pupil times the pupil enrollment of each eligible CTE early middle college or CTE dual enrollment program in the immediately preceding school year.

(7) In order to receive funds under this section, a CTE early middle college or CTE dual enrollment program shall furnish to the intermediate district that is the fiscal agent identified in subsection (2), in a form and manner determined by the department, all information needed to administer this program and meet federal reporting requirements; shall allow the department or the department's designee to review all records related to the program for which it receives funds; and shall reimburse the state for all disallowances found in the review, as determined by the department.

(8) There is allocated for 2021-2022 from the funds under subsection (1) an amount not to exceed $500,000.00 from the state school aid fund allocation for grants to intermediate districts or consortia of intermediate districts for the purpose of planning for new or expanded early middle college programs. Applications for grants must be submitted in a form and manner determined by the department. The amount of a grant under this subsection must not exceed $50,000.00. To be eligible for a grant under this subsection, an intermediate district or consortia of intermediate districts must provide matching funds equal to the grant received under this subsection. Notwithstanding section 17b, the department shall make payments under this subsection in the manner determined by the department.

(9) Funds distributed under this section may be used to fund program expenditures that would otherwise be paid from foundation allowances. A program receiving funding under section 61a may receive funding under this section for allowable costs that exceed the reimbursement the program received under section 61a. The combined payments received by a program under section 61a and this section must not exceed the total allowable costs of the program. A program provider shall not use more than 5% of the funds allocated under

© Courtesy of www.legislature.mi.gov

this section to the program for administrative costs.

(10) If the allocation under subsection (1) is insufficient to fully fund payments as otherwise calculated under this section, the department shall prorate payments under this section on an equal percentage basis.

(11) If pupils enrolled in a career cluster in an eligible CTE early middle college or CTE dual enrollment program qualify to be reimbursed under this section, those pupils continue to qualify for reimbursement until graduation, even if the career cluster is no longer identified as being in the highest 5 career cluster rankings.

(12) As used in this section:

(a) "Allowable costs" means those costs directly attributable to the program as jointly determined by the department of labor and economic opportunity and the department.

(b) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a workforce development board service delivery area consisting of educational, employer, labor, and parent representatives.

(c) "CIP" means classification of instructional programs.

(d) "CTE" means career and technical education programs.

(e) "CTE dual enrollment program" means a 4-year high school program of postsecondary courses offered by eligible postsecondary educational institutions that leads to an industry-recognized certification or degree.

(f) "Early middle college program" means a 5-year high school program.

(g) "Eligible postsecondary educational institution" means that term as defined in section 3 of the career and technical preparation act, 2000 PA 258, MCL 388.1903.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $2,000,000.00 from the talent investment fund appropriation" was vetoed by the governor on September 30, 2019.

In subsection (8), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $2,000,000.00 from the talent investment fund allocation" was vetoed by the governor on September 30, 2019.

****** 388.1661c THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1661c.amended ******

388.1661c CTE skilled trades initiative; allocation to career education planning districts; report; definitions.

Sec. 61c. (1) From the general fund appropriation in section 11, there is allocated for 2018-2019 an amount not to exceed $2,500,000.00 to eligible career education planning districts for the CTE skilled trades initiative described in subsections (2) to (5). To be eligible to receive funding under this section, at least 50% of the area served by a CEPD must be located in an intermediate district that did not levy a vocational education millage in 2018.

(2) To receive funding under subsection (1), each eligible CEPD shall apply in a form and manner determined by the department. Funding to each eligible CEPD shall be equal to the quotient of the allocation under subsection (1) and the sum of the number of career education planning districts applying for funding under subsection (1) that are located in an intermediate district that did not levy a vocational education millage in 2018.

(3) At least 50% of the funding allocated to each eligible CEPD shall be used to update equipment in current CTE programs that have been identified in the highest 5 career cluster rankings in any of the 10 regional strategic plans jointly approved by the Michigan talent investment agency in the department of talent and economic development and the department, for training on new equipment, for professional development relating to computer science or coding, or for new and emerging certified CTE programs to allow CEPD administrators to provide programming in communities that will enhance economic development. The funding for equipment should be used to support and enhance community areas that have sustained job growth, and act as a commitment to build a more qualified and skilled workforce. In addition, each CEPD is encouraged to explore the option of leasing equipment from local private industry to encourage the use of the most advanced equipment.

(4) The allocation of funds at the local level shall be determined by CEPD administrators using data from the state, region, and local sources to make well-informed decisions on program equipment improvements. Grants awarded by CEPD administrators for capital infrastructure shall be used to ensure that CTE programs can deliver educational programs in high-wage, high-skill, and high-demand occupations. Each CEPD shall

© Courtesy of www.legislature.mi.gov

continue to ensure that program advisory boards make recommendations on needed improvements for equipment that support job growth and job skill development and retention for both the present and the future.

(5) Not later than September 15 of each fiscal year, each CEPD receiving funding shall annually report to the department, the senate and house appropriations subcommittees on state school aid, and the senate and house fiscal agencies and legislature on equipment purchased under subsection (1). In addition, the report shall identify growth data on program involvement, retention, and development of student skills.

(6) As used in this section:

(a) "CEPD" means a career education planning district described in this section.

(b) "CTE" means career and technical education.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

****** 388.1661c.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1661c.amended CTE skilled trades initiative; allocation to career education planning districts; report; definitions.

Sec. 61c. (1) From the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $7,500,000.00 to eligible career education planning districts for the CTE skilled trades initiative described in subsections (2) to (5). To be eligible to receive funding under this section, at least 50% of the area served by a CEPD must be located in an intermediate district that did not levy a vocational education millage in 2021.

(2) To receive funding under subsection (1), each eligible CEPD must apply in a form and manner prescribed by the department. Funding to each eligible CEPD must be equal to the quotient of the allocation under subsection (1) and the sum of the number of career education planning districts applying for funding under subsection (1) that are located in an intermediate district that did not levy a vocational education millage in 2021.

(3) At least 50% of the funding allocated to each eligible CEPD must be used to update equipment in current CTE programs that have been identified in the highest 5 career cluster rankings in the most recent CEPD regional strategic plans jointly approved by the Michigan talent investment agency in the department of labor and economic opportunity and the department, for training on new equipment, for professional development relating to computer science or coding, or for new and emerging certified CTE programs to allow CEPD administrators to provide programming in communities that will enhance economic development. The funding for equipment should be used to support and enhance community areas that have sustained job growth, and act as a commitment to build a more qualified and skilled workforce. In addition, each CEPD is encouraged to explore the option of leasing equipment from local private industry to encourage the use of the most advanced equipment.

(4) The allocation of funds at the local level must be determined by CEPD administrators using data from the state, region, and local sources to make well-informed decisions on program equipment improvements. Grants awarded by CEPD administrators for capital infrastructure must be used to ensure that CTE programs can deliver educational programs in high-wage, high-skill, and high-demand occupations. Each CEPD shall continue to ensure that program advisory boards make recommendations on needed improvements for equipment that support job growth and job skill development and retention for both the present and the future.

(5) Not later than September 15 of each fiscal year, each CEPD receiving funding shall annually report to the department, the senate and house appropriations subcommittees on school aid, the senate and house fiscal agencies, and legislature on equipment purchased under subsection (1). In addition, the report must identify growth data on program involvement, retention, and development of student skills.

(6) As used in this section:

(a) "CEPD" means a career education planning district described in this section.

(b) "CTE" means career and technical education.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

****** 388.1661d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1661d.amended*

© Courtesy of www.legislature.mi.gov

*****

388.1661d Career and technical education programs; payments to districts; definitions.

Sec. 61d. (1) From the appropriation in section 11, there is allocated for 2020-2021 an amount not to exceed $5,000,000.00 from the state school aid fund for additional payments to districts for career and technical education programs for the purpose of increasing the number of Michigan residents with high-quality degrees or credentials, and to increase the number of pupils who are college- and career-ready upon high school graduation.

(2) The department shall calculate payments to districts under this section in the following manner:

(a) A payment of $35.00 multiplied by the number of pupils in grades 9 to 12 who are counted in membership in the district and are enrolled in at least 1 career and technical education program.

(b) An additional payment of $35.00 multiplied by the number of pupils in grades 9 to 12 who are counted in membership in the district and are enrolled in at least 1 career and technical education program that provides instruction in critical skills and high-demand career fields.

(3) If the allocation under subsection (1) is insufficient to fully fund payments under subsection (2), the department shall prorate payments under this section on an equal per-pupil basis.

(4) As used in this section:

(a) "Career and technical education program" means a state-approved career and technical education program, as determined by the department.

(b) "Career and technical education program that provides instruction in critical skills and high-demand career field" means a career and technical education program classified under any of the following 2-digit classification of instructional programs (CIP) codes:

(*i*) 01, which refers to "agriculture, agriculture operations, and related sciences".

(*ii*) 03, which refers to "natural resources and conservation".

(*iii*) 10 through 11, which refers to "communications technologies/technicians and support services" and "computer and information sciences and support services".

(*iv*) 14 through 15, which refers to "engineering" and "engineering technologies and engineering-related fields".

(*v*) 26, which refers to "biological and biomedical sciences".

(*vi*) 46 through 48, which refers to "construction trades", "mechanic and repair technologies/technicians", and "precision production".

(*vii*) 51, which refers to "health professions and related programs".

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $5,000,000.00 from the talent investment fund" was vetoed by the governor on September 30, 2019.

****** 388.1661d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1661d.amended Career and technical education programs; payments to districts; definitions.

Sec. 61d. (1) From the appropriation in section 11, there is allocated for 2021-2022 an amount not to exceed $5,000,000.00 from the state school aid fund for additional payments to districts for career and technical education programs for the purpose of increasing the number of Michigan residents with high-quality degrees or credentials, and to increase the number of pupils who are college- and career-ready upon high school graduation.

(2) The department shall calculate payments to districts under this section in the following manner:

(a) A payment of $35.00 multiplied by the number of pupils in grades 9 to 12 who are counted in membership in the district and are enrolled in at least 1 career and technical education program.

(b) An additional payment of $35.00 multiplied by the number of pupils in grades 9 to 12 who are counted in membership in the district and are enrolled in at least 1 career and technical education program that provides instruction in critical skills and high-demand career fields.

(3) If the allocation under subsection (1) is insufficient to fully fund payments under subsection (2), the department shall prorate payments under this section on an equal per-pupil basis.

(4) As used in this section:

(a) "Career and technical education program" means a state-approved career and technical education program, as determined by the department.

(b) "Career and technical education program that provides instruction in critical skills and high-demand career field" means a career and technical education program classified under any of the following 2-digit

© Courtesy of www.legislature.mi.gov

classification of instructional programs (CIP) codes:

(*i*) 01, which refers to "agriculture, agriculture operations, and related sciences".

(*ii*) 03, which refers to "natural resources and conservation".

(*iii*) 10 through 11, which refers to "communications technologies/technicians and support services" and "computer and information sciences and support services".

(*iv*) 14 through 15, which refers to "engineering" and "engineering technologies and engineering-related fields".

(*v*) 26, which refers to "biological and biomedical sciences".

(*vi*) 46 through 48, which refers to "construction trades", "mechanic and repair technologies/technicians", and "precision production".

(*vii*) 51, which refers to "health professions and related programs".

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $5,000,000.00 from the talent investment fund" was vetoed by the governor on September 30, 2019.

388.1661e Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: The repealed section pertained to regional career and technical education planning.

388.1661f Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to the innovative retention and completion program.

****** 388.1661g.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1661g.added Payment for intermediate districts in prosperity region 3; career and technical education programming and services.

Sec. 61g. (1) From the state school aid fund money appropriated under section 11, there is allocated for 2021-2022 only an amount not to exceed $2,500,000.00 to an intermediate district in which the combined total number of pupils in membership of all of its constituent districts is at least 6,500 but not more than 7,500 and the intermediate district is located in prosperity region 3.

(2) An intermediate district receiving funds under this section shall use the funds to support its career and technical education offerings. Funds must be used by the intermediate district for building retrofitting, equipment purchases, and other associated expenditures necessary to provide career and technical education programming and services.

(3) As used in this section, "constituent district" means a district, including a district that is a public school academy, that is located within the geographic boundaries of an intermediate district.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The repealed section pertained to grants for the expansion of programs for high-demand future jobs.

Former MCL 388.1661g, which pertained to grants for the expansion of programs for high-demand future jobs was repealed by Act 58 of 2019, Eff. Oct. 1, 2019.

388.1661h Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to funding for a statewide virtual reality training initiative.

388.1662 Definitions; vocational-technical education; reimbursement for millages; limitation; payments.

Sec. 62. (1) For the purposes of this section:

(a) "Membership" means for a particular fiscal year the total membership of the intermediate district and the districts constituent to the intermediate district or the total membership of the area vocational-technical program, except that if a district has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, the membership of that district are not included in the membership of the intermediate district. However, the membership of a district that has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, is included in the membership of the intermediate district if the district meets both of the following:

(*i*) The district operates the area vocational-technical education program pursuant to a contract with the intermediate district.

(*ii*) The district contributes an annual amount to the operation of the program that is commensurate with the revenue that would have been raised for operation of the program if millage were levied in the district for the program under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690.

© Courtesy of www.legislature.mi.gov

(b) "Millage levied" means the millage levied for area vocational-technical education under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, including a levy for debt service obligations incurred as the result of borrowing for capital outlay projects and in meeting capital projects fund requirements of area vocational-technical education.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district or area vocational-technical education program, except that if a district has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, the taxable value of that district is not included in the taxable value of the intermediate district. However, the taxable value of a district that has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, is included in the taxable value of the intermediate district if the district meets both of the following:

(*i*) The district operates the area vocational-technical education program pursuant to a contract with the intermediate district.

(*ii*) The district contributes an annual amount to the operation of the program that is commensurate with the revenue that would have been raised for operation of the program if millage were levied in the district for the program under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690.

(2) From the appropriation in section 11, there is allocated an amount not to exceed $9,190,000.00 each fiscal year for 2020-2021 and for 2021-2022 to reimburse intermediate districts and area vocational-technical education programs established under section 690(3) of the revised school code, MCL 380.690, levying millages for area vocational-technical education under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690. The purpose, use, and expenditure of the reimbursement are limited as if the funds were generated by those millages.

(3) Reimbursement for those millages levied in 2019-2020 is made in 2020-2021 at an amount per 2019-2020 membership pupil computed by subtracting from $218,700.00 the 2019-2020 taxable value behind each membership pupil and multiplying the resulting difference by the 2019-2020 millage levied, and then subtracting from that amount the 2019-2020 local community stabilization share revenue for area vocational technical education behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362.

(4) Reimbursement for those millages levied in 2020-2021 is made in 2021-2022 at an amount per 2020-2021 membership pupil computed by subtracting from $224,800.00 the 2020-2021 taxable value behind each membership pupil and multiplying the resulting difference by the 2020-2021 millage levied, and then subtracting from that amount the 2020-2021 local community stabilization share revenue for area vocational technical education behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362.

(5) The department shall ensure that the amount paid to a single intermediate district under this section does not exceed 38.4% of the total amount allocated under subsection (2).

(6) The department shall ensure that the amount paid to a single intermediate district under this section is not less than 75% of the amount allocated to the intermediate district under this section for the immediately preceding fiscal year.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Imd. Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Imd. Eff. June 27, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: In the first sentence of subsection (2), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $11,330,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.

In the first sentence of subsection (4), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $1,470,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

© Courtesy of www.legislature.mi.gov

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 299 of 2011 provides:

"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, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1663 Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's note: The repealed section pertained to participation of intermediate district with local health department in joint capital project.

388.1664 Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed section pertained to middle college focused on health sciences.

388.1664a Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's note: The repealed section pertained to statewide transfer or articulation agreements.

388.1664b Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to supplemental payments to districts supporting attendance of district pupils under the postsecondary enrollment options act or the career and technical preparation act.

388.1664c Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to report analyzing state's current career readiness education system.

388.1664d Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to the information technology education opportunities grant program.

****** 388.1665 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1665.amended ******

388.1665 Pre-college engineering K-12 educational program; eligibility.

© Courtesy of www.legislature.mi.gov

Sec. 65. (1) From the appropriation under section 11, there is allocated an amount not to exceed $400,000.00 for 2020-2021 for a pre-college engineering K-12 educational program that is focused on the development of a diverse future Michigan workforce, that serves multiple communities within southeast Michigan, that enrolls pupils from multiple districts, and that received funds appropriated for this purpose in the appropriations act that provided the Michigan strategic fund budget for 2014-2015.

(2) To be eligible for funding under this section, a program must have the ability to expose pupils to, and motivate and prepare pupils for, science, technology, engineering, and mathematics careers and postsecondary education with special attention given to groups of pupils who are at-risk and underrepresented in technical professions and careers.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1665, which pertained to precollege programs in engineering and sciences, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

****** 388.1665.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1665.amended Pre-college engineering K-12 educational program; eligibility.

Sec. 65. (1) From the appropriation under section 11, there is allocated an amount not to exceed $400,000.00 for 2021-2022 for a pre-college engineering K-12 educational program that is focused on the development of a diverse future Michigan workforce, that serves multiple communities within southeast Michigan, that enrolls pupils from multiple districts, and that received funds appropriated for this purpose in the appropriations act that provided the Michigan strategic fund budget for 2014-2015.

(2) To be eligible for funding under this section, a program must have the ability to expose pupils to, and motivate and prepare pupils for, science, technology, engineering, and mathematics careers and postsecondary education with special attention given to groups of pupils who are at-risk and underrepresented in technical professions and careers.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1665, which pertained to precollege programs in engineering and sciences, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

388.1666 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to job training and development programs.

****** 388.1667 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1667.amended ******

388.1667 College access programs; allocation, use, and administration of funds; "college" defined.

Sec. 67. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $3,000,000.00 for 2020-2021 for college access programs. The programs funded under this section are intended to inform students of college and career options and to provide resources intended to increase the number of pupils who are adequately prepared with the information needed to make informed decisions on college and career. The funds appropriated under this section are intended to be used to increase the number of Michigan residents with high-quality degrees or credentials. Funds appropriated under this section must not be used to supplant funding for counselors already funded by districts.

(2) The department of labor and economic opportunity shall administer funds allocated under this section in collaboration with the Michigan college access network. These funds may be used for any of the following purposes:

(a) Michigan college access network operations, programming, and services to local college access networks.

(b) Local college access networks, which are community-based college access/success partnerships committed to increasing the college participation and completion rates within geographically defined communities through a coordinated strategy.

(c) The Michigan college advising program, a program intended to place trained, recently graduated college advisors in high schools that serve significant numbers of low-income and first-generation college-going pupils. State funds used for this purpose may not exceed 33% of the total funds available under this subsection.

© Courtesy of www.legislature.mi.gov

(d) Subgrants of up to $5,000.00 to districts with comprehensive high schools that establish a college access team and implement specific strategies to create a college-going culture in a high school in a form and manner approved by the Michigan college access network and the department of labor and economic opportunity.

(e) The Michigan college access portal, an online one-stop portal to help pupils and families plan and apply for college.

(f) Public awareness and outreach campaigns to encourage low-income and first-generation college-going pupils to take necessary steps toward college and to assist pupils and families in completing a timely and accurate free application for federal student aid.

(g) Subgrants to postsecondary institutions to recruit, hire, and train college student mentors and college advisors to assist high school pupils in navigating the postsecondary planning and enrollment process.

(3) For the purposes of this section, "college" means any postsecondary educational opportunity that leads to a career, including, but not limited to, a postsecondary degree, industry-recognized technical certification, or registered apprenticeship.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1667, which pertained to Michigan career preparation system grants, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

****** 388.1667.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1667.amended College access programs; allocation, use, and administration of funds; "college" defined.

Sec. 67. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $3,000,000.00 for 2021-2022 for college access programs. The programs funded under this section are intended to inform students of college and career options and to provide resources intended to increase the number of pupils who are adequately prepared with the information needed to make informed decisions on college and career. The funds appropriated under this section are intended to be used to increase the number of Michigan residents with high-quality degrees or credentials. Funds appropriated under this section must not be used to supplant funding for counselors already funded by districts.

(2) The department of labor and economic opportunity shall administer funds allocated under this section in collaboration with the Michigan college access network. These funds may be used for any of the following purposes:

(a) Michigan college access network operations, programming, and services to local college access networks.

(b) Local college access networks, which are community-based college access/success partnerships committed to increasing the college participation and completion rates within geographically defined communities through a coordinated strategy.

(c) The Michigan college advising program, a program intended to place trained, recently graduated college advisors in high schools that serve significant numbers of low-income and first-generation college-going pupils. State funds used for this purpose may not exceed 33% of the total funds available under this subsection.

(d) Subgrants of up to $5,000.00 to districts with comprehensive high schools that establish a college access team and implement specific strategies to create a college-going culture in a high school in a form and manner approved by the Michigan college access network and the department of labor and economic opportunity.

(e) The Michigan college access portal, an online one-stop portal to help pupils and families plan and apply for college.

(f) Public awareness and outreach campaigns to encourage low-income and first-generation college-going pupils to take necessary steps toward college and to assist pupils and families in completing a timely and accurate free application for federal student aid.

(g) Subgrants to postsecondary institutions to recruit, hire, and train college student mentors and college advisors to assist high school pupils in navigating the postsecondary planning and enrollment process.

(3) For the purposes of this section, "college" means any postsecondary educational opportunity that leads to a career, including, but not limited to, a postsecondary degree, industry-recognized technical certification, or registered apprenticeship.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act

© Courtesy of www.legislature.mi.gov

48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1667, which pertained to Michigan career preparation system grants, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

****** 388.1667a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1667a.amended ******

388.1667a Industrial and technological education and workforce preparation grants.

Sec. 67a. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $50,000.00 for 2020-2021 for a grant to be distributed by the department to an organization to provide industrial and technological education and workforce preparation for students and professional development opportunities and support for teachers.

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

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1667a, which pertained to grant to public-private partnership to develop and pilot competency-based transcript and marketplace, was repealed by Act 265 of 2018, Eff. Oct. 1, 2018.

****** 388.1667a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1667a.amended Industrial and technological education and workforce preparation grants.

Sec. 67a. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $50,000.00 for 2021-2022 for a grant to be distributed by the department to an organization to provide industrial and technological education and workforce preparation for students and professional development opportunities and support for teachers.

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

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1667a, which pertained to grant to public-private partnership to develop and pilot competency-based transcript and marketplace, was repealed by Act 265 of 2018, Eff. Oct. 1, 2018.

****** 388.1667b.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1667b.added Allocation to SME Education Foundation's Partnership Response Initiative; use of funds.

Sec. 67b. From the federal funds allocated under section 11n, there is allocated $6,000,000.00 from the federal funding awarded to this state from the coronavirus state fiscal recovery fund under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2, for 2021-2022 to the SME Education Foundation's Partnership Response Initiative. The SME Education Foundation's Partnership Response Initiative shall use the funding it receives under this section to provide high schools in this state with cost-effective and tailored engineering/manufacturing programs that provide equipment, curricula, professional development, scholarships, and STEM-focused curricular activities to students enrolled in and teachers teaching in the high schools of this state.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

388.1668 Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's note: The repealed section pertained to Michigan career preparation system.

388.1671, 388.1672 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed sections pertained to transportation services funding and aid.

388.1673 Repealed. 1986, Act 212, Eff. Oct. 1, 1986.

Compiler's note: The repealed section pertained to transportation programs and procurement of school buses.

****** 388.1674 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1674.amended ******

388.1674 School bus driver safety instruction; cost of instruction and driver compensation; nonspecial education auxiliary services transportation; inspection costs.

© Courtesy of www.legislature.mi.gov

Sec. 74. (1) From the amount appropriated in section 11, there is allocated an amount not to exceed $3,814,500.00 for 2020-2021 for the purposes of this section.

(2) From the allocation in subsection (1), there is allocated for 2020-2021 the amount necessary for payments to state supported colleges or universities and intermediate districts providing school bus driver safety instruction under section 51 of the pupil transportation act, 1990 PA 187, MCL 257.1851. The department shall make payments in an amount determined by the department not to exceed the actual cost of instruction and driver compensation for each public or nonpublic school bus driver attending a course of instruction. For the purpose of computing compensation, the hourly rate allowed each school bus driver must not exceed the hourly rate received for driving a school bus. The department shall make reimbursement compensating the driver during the course of instruction to the college or university or intermediate district providing the course of instruction.

(3) From the allocation in subsection (1), there is allocated for 2020-2021 the amount necessary to pay the reasonable costs of nonspecial education auxiliary services transportation provided under section 1323 of the revised school code, MCL 380.1323. Districts funded under this subsection do not receive funding under any other section of this article for nonspecial education auxiliary services transportation.

(4) From the funds allocated in subsection (1), there is allocated an amount not to exceed $1,789,500.00 for 2020-2021 for reimbursement to districts and intermediate districts for costs associated with the inspection of school buses and pupil transportation vehicles by the department of state police as required under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The department of state police shall prepare a statement of costs attributable to each district for which bus inspections are provided and submit it to the department and to an intermediate district serving as fiduciary in a time and manner determined jointly by the department and the department of state police. Upon review and approval of the statement of cost, the department shall forward to the designated intermediate district serving as fiduciary the amount of the reimbursement on behalf of each district and intermediate district for costs detailed on the statement within 45 days after receipt of the statement. The designated intermediate district shall make payment in the amount specified on the statement to the department of state police within 45 days after receipt of the statement. The total reimbursement of costs under this subsection must not exceed the amount allocated under this subsection. Notwithstanding section 17b, the department shall make payments to eligible entities under this subsection on a schedule prescribed by the department.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In his veto message relative to Enrolled House Bill 4572, which became Act 118 of 1991, the governor stated that "the tradition of not re-enacting annually the unchanged appropriation sections of the school aid act is constitutionally flawed. It assumes the invalid creation of a continuing appropriation. Therefore, the following sections of the school aid act and their associated allocations must be considered inoperative: 24, 55, 74, 75, 105a, 111, and 116. These sections will be treated as excluded from the current bill... ."

In subsection (1), as amended by Act 121 of 2001, the phrase "and for 2002-2003" was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

****** 388.1674.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1674amended Payments to colleges or universities and intermediate districts; school bus driver safety instruction; cost of instruction and driver compensation; nonspecial education auxiliary services transportation; inspection costs.

Sec. 74. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $3,805,800.00 for 2021-2022 for the purposes of this section.

(2) From the allocation in subsection (1), there is allocated for 2021-2022 the amount necessary for payments to state supported colleges or universities and intermediate districts providing school bus driver safety instruction under section 51 of the pupil transportation act, 1990 PA 187, MCL 257.1851. The department shall make payments in an amount determined by the department not to exceed the actual cost of instruction and driver compensation for each public or nonpublic school bus driver attending a course of instruction. For the purpose of computing compensation, the hourly rate allowed each school bus driver must not exceed the hourly rate received for driving a school bus. The department shall make reimbursement compensating the driver during the course of instruction to the college or university or intermediate district providing the course of instruction.

(3) From the allocation in subsection (1), there is allocated for 2021-2022 the amount necessary to pay the reasonable costs of nonspecial education auxiliary services transportation provided under section 1323 of the revised school code, MCL 380.1323. Districts funded under this subsection do not receive funding under any other section of this article for nonspecial education auxiliary services transportation.

(4) From the funds allocated in subsection (1), there is allocated an amount not to exceed $1,780,800.00 for 2021-2022 for reimbursement to districts and intermediate districts for costs associated with the inspection of school buses and pupil transportation vehicles by the department of state police as required under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The department of state police shall prepare a statement of costs attributable to each district for which bus inspections are provided and submit it to the department and to an intermediate district serving as fiduciary in a time and manner determined jointly by the department and the department of state police. Upon review and approval of the statement of cost, the department shall forward to the designated intermediate district serving as fiduciary the amount of the reimbursement on behalf of each district and intermediate district for costs detailed on the statement within 45 days after receipt of the statement. The designated intermediate district shall make payment in the amount specified on the statement to the department of state police within 45 days after receipt of the statement. The total reimbursement of costs under this subsection must not exceed the amount allocated under this subsection. Notwithstanding section 17b, the department shall make payments to eligible entities under this subsection on a schedule prescribed by the department.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1,

© Courtesy of www.legislature.mi.gov

2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2011, Act 62, Imd. Eff. June 21, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In his veto message relative to Enrolled House Bill 4572, which became Act 118 of 1991, the governor stated that "the tradition of not re-enacting annually the unchanged appropriation sections of the school aid act is constitutionally flawed. It assumes the invalid creation of a continuing appropriation. Therefore, the following sections of the school aid act and their associated allocations must be considered inoperative: 24, 55, 74, 75, 105a, 111, and 116. These sections will be treated as excluded from the current bill... ."

In subsection (1), as amended by Act 121 of 2001, the phrase "and for 2002-2003" was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

388.1674a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to the statewide school bus driver safety program.

388.1675 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to nonspecial education auxiliary services transportation.

388.1676 Funding for transporting nonpublic school students.

Sec. 76. If a district received money in 1993-94 attributable to nonspecial education transportation under former section 71 and that money was included in calculating the district's combined state and local revenue per membership pupil in 1993-94 under section 20(21), as that section was in effect for 1994-95, then the district shall use funding as calculated under section 20 as the funding for transporting nonpublic school students as required under section 1321 of the revised school code, MCL 380.1321.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's note: Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

© Courtesy of www.legislature.mi.gov

388.1677 Transportation costs for nonresident pupils.

Sec. 77. (1) If a district is educating all of the high school pupils who are counted in membership in another district pursuant to an agreement between the 2 districts and if the educating district provides transportation for its own resident high school pupils, the educating district shall use state school aid under this article to provide transportation to and from school for normal curricular activities for those high school pupils who reside in the other district.

(2) Subsection (1) does not require the educating district to provide transportation for a nonresident pupil for any extracurricular or athletic activity in which the pupil participates.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015.

388.1681 Allocations to intermediate districts; amounts; expanded professional development opportunities for teachers; consolidated, annexed, or attached districts; duties of intermediate district.

Sec. 81. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 to the intermediate districts the sum necessary, but not to exceed $69,138,000.00, and there is allocated for 2021-2022 to the intermediate districts the sum necessary, but not to exceed $71,903,600.00 to provide state aid to intermediate districts under this section.

(2) The amount allocated under this section for 2020-2021 to each intermediate district is an amount equal to 100% of the amount allocated to the intermediate district under this section for 2019-2020. The amount allocated under this section for 2021-2022 to each intermediate district is an amount equal to 104% of the amount allocated to the intermediate district under this section for 2020-2021. An intermediate district shall use funding provided under this section to comply with requirements of this article and the revised school code that are applicable to intermediate districts, and for which funding is not provided elsewhere in this article, and to provide technical assistance to districts as authorized by the intermediate school board.

(3) Intermediate districts receiving funds under this section shall collaborate with the department to develop expanded professional development opportunities for teachers to update and expand their knowledge and skills needed to support the Michigan merit curriculum.

(4) From the allocation in subsection (1), there is allocated to an intermediate district, formed by the consolidation or annexation of 2 or more intermediate districts or the attachment of a total intermediate district to another intermediate district or the annexation of all of the constituent K-12 districts of a previously existing intermediate district which has disorganized, an additional allotment of $3,500.00 each fiscal year for each intermediate district included in the new intermediate district for 3 years following consolidation, annexation, or attachment.

(5) In order to receive funding under this section, an intermediate district shall do all of the following:

(a) Demonstrate to the satisfaction of the department that the intermediate district employs at least 1 person who is trained in pupil accounting and auditing procedures, rules, and regulations.

(b) Demonstrate to the satisfaction of the department that the intermediate district employs at least 1 person who is trained in rules, regulations, and district reporting procedures for the individual-level student data that serves as the basis for the calculation of the district and high school graduation and dropout rates.

(c) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(d) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.

(e) Comply with section 1230g of the revised school code, MCL 380.1230g.

(f) Provide advice, guidance, and leadership to assist all districts located within its geographic boundaries to assist in the preparedness and response efforts toward addressing COVID-19. At a minimum, this must include the coordination and collaboration with any local public health agency that has jurisdiction within the intermediate district's geographic boundaries and may include the coordination of bulk purchasing of personal protective equipment, technology, or other products or services necessary for students to return to school. An intermediate district shall ensure that all districts located within its geographic boundaries have equitable access to the intermediate district's coordination activities and services, intermediate district-wide or regional meetings, regularly scheduled superintendent meetings, programming, events, or other coordination or collaboration activities. In ensuring that all districts located within the geographic boundaries of the intermediate district have equitable access to services, meetings, programming, events, or activities as described in the immediately preceding sentence, the intermediate district shall ensure that districts that are public school academies that are located within its geographic boundaries are not excluded from said services, meetings, programming, events, or activities if districts that are not public school academies that are located within the geographic boundaries of the intermediate district are not excluded.

© Courtesy of www.legislature.mi.gov

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1981, Act 113, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1987, Act 220, Eff. Dec. 28, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Mar. 15, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Subsection (3) of Sec. 81, as amended by Act 128 of 1987, was vetoed by the governor on July 24, 1987.

Sec. 81, as amended by Act 212 of 1986, did not have a subsection (3).

Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”

Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”

Subsection (3) of Sec. 81, as amended by Act 118 of 1991, was vetoed by the governor on October 11, 1991. Subsection (3) of Sec. 81, as amended by Act 207 of 1990, is set forth in the text of Sec. 81 above.

In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrases “and for 2002-2003” and “and not to exceed $95,028,100.00 for 2002-2003” were vetoed by the governor September 28, 2001.

The fourth sentence of subsection (1), as amended by Act 121 of 2001, and which read “Except as otherwise provided in this section, there shall be allocated to each intermediate district for 2002-2003 an amount equal to 103.1% of the amount of funding actually received by the intermediate district under this subsection for 2001-2002.”, was vetoed by the governor September 28, 2001.

In the second sentence of subsection (3), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

In the first sentence of subsection (5), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $940,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

© Courtesy of www.legislature.mi.gov

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1681a Repealed. 1988, Act 318, Eff. Oct. 1, 1988.

Compiler's note: The repealed section pertained to reduction of allocations.

388.1682 Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's note: The repealed section pertained to model intervening program for grades K to 3.

388.1683 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to educational media centers.

388.1684 Repealed. 1991, Act 118, Imd. Eff. Oct. 11, 1991.

Compiler's note: The repealed section pertained to instructional services to homebound or hospitalized pupils.

388.1685 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to allocations for intermediate school districts.

388.1686 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to regular nonspecial education educational programs in residential child care institutions for court placed pupils.

388.1690 Repealed. 1992, Act 148, Eff. Oct. 1, 1992.

Compiler's note: The repealed section pertained to allocations for innovative and diversified educational programs and for pilot school-level building program.

388.1691 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to long-range school improvement plans, annual education report, and core curriculum.

****** 388.1691a THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1691a Cessation of pilot intermediate district schools of choice program; enrollment of nonresident pupil in district.

Sec. 91a. If a district allowed a nonresident pupil to enroll in the district under a pilot intermediate district schools of choice program under former section 91, the district shall continue to allow that pupil to enroll in the district until the pupil graduates from high school even if the district ceases to participate in the pilot intermediate district schools of choice program or the program is discontinued.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995.

388.1691b Repealed. 2000, Act 297, Eff. Oct. 1, 2000.

Compiler's note: The repealed section pertained to enrollment of nonresident pupil in district.

****** 388.1691c THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1691c Transfer student; eligibility to participate in interscholastic athletic competition.

Sec. 91c. A pupil who transfers to a district other than the pupil's district of residence under an intermediate district schools of choice pilot program under former section 91 is ineligible to participate in interscholastic athletic competition for a period of 1 semester from the date the pupil transfers.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 2000, Act 297, Imd. Eff. July 26, 2000.

388.1692 Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed section pertained to allocation to Saginaw Valley state university.

388.1692a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to basic skills development program.

388.1693 Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

© Courtesy of www.legislature.mi.gov

Compiler's note: Former MCL 388.1693, which pertained to alternative education programs for school-age expectant parents and school-age parents and their children, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

The repealed section pertained to allocation to library of Michigan to support Michigan electronic library in public schools and public libraries.

****** 388.1694 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1694.amended ******

388.1694 Advanced placement and international baccalaureate programs; college-level examination program (CLEP); requirements.

Sec. 94. (1) From the general fund money appropriated in section 11, there is allocated to the department for 2020-2021 an amount not to exceed $1,200,000.00 for efforts to increase the number of pupils who participate and succeed in advanced placement and international baccalaureate programs, and to support the college-level examination program (CLEP).

(2) From the funds allocated under this section, the department shall award funds to cover all or part of the costs of advanced placement test fees or international baccalaureate test fees and international baccalaureate registration fees for low-income pupils who take an advanced placement or an international baccalaureate test and CLEP fees for low-income pupils who take a CLEP test.

(3) The department shall only award funds under this section if the department determines that all of the following criteria are met:

(a) Each pupil for whom payment is made meets eligibility requirements of the federal advanced placement test fee program under section 1701 of the no child left behind act of 2001, Public Law 107-110, or under a corresponding provision of the every student succeeds act, Public Law 114-95.

(b) The tests are administered by the college board, the international baccalaureate organization, or another test provider approved by the department.

(c) The pupil for whom payment is made pays at least $5.00 toward the cost of each test for which payment is made.

(4) The department shall establish procedures for awarding funds under this section.

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

History: Add. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015 ;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1694, which pertained to technical assistance to districts for school accreditation purposes, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

****** 388.1694.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1694.amended Advanced placement and international baccalaureate programs; college-level examination program (CLEP); requirements.

Sec. 94. (1) From the general fund money appropriated in section 11, there is allocated to the department for 2021-2022 an amount not to exceed $1,200,000.00 for efforts to increase the number of pupils who participate and succeed in advanced placement and international baccalaureate programs, and to support the college-level examination program (CLEP).

(2) From the funds allocated under this section, the department shall award funds to cover all or part of the costs of advanced placement test fees or international baccalaureate test fees and international baccalaureate registration fees for low-income pupils who take an advanced placement or an international baccalaureate test and CLEP fees for low-income pupils who take a CLEP test.

(3) The department shall only award funds under this section if the department determines that all of the following criteria are met:

(a) Each pupil for whom payment is made meets eligibility requirements of the federal advanced placement test fee program under section 1701 of the no child left behind act of 2001, Public Law 107-110, or under a corresponding provision of the every student succeeds act, Public Law 114-95.

(b) The tests are administered by the college board, the international baccalaureate organization, or another test provider approved by the department.

(c) The pupil for whom payment is made pays at least $5.00 toward the cost of each test for which payment is made.

(4) The department shall establish procedures for awarding funds under this section.

(5) Notwithstanding section 17b, the department shall make payments under this section on a schedule

© Courtesy of www.legislature.mi.gov

determined by the department.

History: Add. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015 ;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1694, which pertained to technical assistance to districts for school accreditation purposes, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

****** 388.1694a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1694a.amended ******

388.1694a Center for educational performance and information; creation; duties.

Sec. 94a. (1) There is created within the state budget office in the department of technology, management, and budget the center for educational performance and information. The center shall do all of the following:

(a) Coordinate the collection of all data required by state and federal law from districts, intermediate districts, and postsecondary institutions.

(b) Create, maintain, and enhance this state's P-20 longitudinal data system and ensure that it meets the requirements of subsection (4).

(c) Collect data in the most efficient manner possible in order to reduce the administrative burden on reporting entities, including, but not limited to, electronic transcript services.

(d) Create, maintain, and enhance this state's web-based educational portal to provide information to school leaders, teachers, researchers, and the public in compliance with all federal and state privacy laws. Data must include, but are not limited to, all of the following:

(*i*) Data sets that link teachers to student information, allowing districts to assess individual teacher impact on student performance and consider student growth factors in teacher and principal evaluation systems.

(*ii*) Data access or, if practical, data sets, provided for regional data hubs that, in combination with local data, can improve teaching and learning in the classroom.

(*iii*) Research-ready data sets for researchers to perform research that advances this state's educational performance.

(e) Provide data in a useful manner to allow state and local policymakers to make informed policy decisions.

(f) Provide public reports to the residents of this state to allow them to assess allocation of resources and the return on their investment in the education system of this state.

(g) Other functions as assigned by the state budget director.

(2) Each state department, officer, or agency that collects information from districts, intermediate districts, or postsecondary institutions as required under state or federal law shall make arrangements with the center to ensure that the state department, officer, or agency is in compliance with subsection (1). This subsection does not apply to information collected by the department of treasury under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a; the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821; the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1921 to 388.1939; or section 1351a of the revised school code, MCL 380.1351a.

(3) The center may enter into any interlocal agreements necessary to fulfill its functions.

(4) The center shall ensure that the P-20 longitudinal data system required under subsection (1)(b) meets all of the following:

(a) Includes data at the individual student level from preschool through postsecondary education and into the workforce.

(b) Supports interoperability by using standard data structures, data formats, and data definitions to ensure linkage and connectivity in a manner that facilitates the exchange of data among agencies and institutions within the state and between states.

(c) Enables the matching of individual teacher and student records so that an individual student may be matched with those teachers providing instruction to that student.

(d) Enables the matching of individual teachers with information about their certification and the institutions that prepared and recommended those teachers for state certification.

(e) Enables data to be easily generated for continuous improvement and decision-making, including timely reporting to parents, teachers, and school leaders on student achievement.

(f) Ensures the reasonable quality, validity, and reliability of data contained in the system.

(g) Provides this state with the ability to meet federal and state reporting requirements.

(h) For data elements related to preschool through grade 12 and postsecondary, meets all of the following:

(*i*) Contains a unique statewide student identifier that does not permit a student to be individually identified

© Courtesy of www.legislature.mi.gov

by users of the system, except as allowed by federal and state law.

(*ii*) Contains student-level enrollment, demographic, and program participation information.

(*iii*) Contains student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete education programs.

(*iv*) Has the capacity to communicate with higher education data systems.

(i) For data elements related to preschool through grade 12 only, meets all of the following:

(*i*) Contains yearly test records of individual students for assessments approved by DED-OESE for accountability purposes under section 1111(b) of the elementary and secondary education act of 1965, 20 USC 6311, including information on individual students not tested, by grade and subject.

(*ii*) Contains student-level transcript information, including information on courses completed and grades earned.

(*iii*) Contains student-level college readiness test scores.

(j) For data elements related to postsecondary education only:

(*i*) Contains data that provide information regarding the extent to which individual students transition successfully from secondary school to postsecondary education, including, but not limited to, all of the following:

(A) Enrollment in remedial coursework.

(B) Completion of 1 year's worth of college credit applicable to a degree within 2 years of enrollment.

(*ii*) Contains data that provide other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(5) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $16,848,900.00 for 2020-2021 to the department of technology, management, and budget to support the operations of the center. In addition, from the federal funds appropriated in section 11, there is allocated for 2020-2021 the amount necessary, estimated at $193,500.00, to support the operations of the center and to establish a P-20 longitudinal data system necessary for state and federal reporting purposes. The center shall cooperate with the department to ensure that this state is in compliance with federal law and is maximizing opportunities for increased federal funding to improve education in this state.

(6) From the funds allocated in subsection (5), the center may use an amount determined by the center for competitive grants for 2020-2021 to support collaborative efforts on the P-20 longitudinal data system. All of the following apply to grants awarded under this subsection:

(a) The center shall award competitive grants to eligible intermediate districts or a consortium of intermediate districts based on criteria established by the center.

(b) Activities funded under the grant must support the P-20 longitudinal data system portal and may include portal hosting, hardware and software acquisition, maintenance, enhancements, user support and related materials, and professional learning tools and activities aimed at improving the utility of the P-20 longitudinal data system.

(c) An applicant that received a grant under this subsection for the immediately preceding fiscal year has priority for funding under this section. However, after 3 fiscal years of continuous funding, an applicant is required to compete openly with new applicants.

(7) Funds allocated under this section that are not expended in the fiscal year in which they were allocated may be carried forward to a subsequent fiscal year and are appropriated for the purposes for which the funds were originally allocated.

(8) The center may bill departments as necessary in order to fulfill reporting requirements of state and federal law. The center may also enter into agreements to supply custom data, analysis, and reporting to other principal executive departments, state agencies, local units of government, and other individuals and organizations. The center may receive and expend funds in addition to those authorized in subsection (5) to cover the costs associated with salaries, benefits, supplies, materials, and equipment necessary to provide such data, analysis, and reporting services.

(9) As used in this section:

(a) "DED-OESE" means the United States Department of Education Office of Elementary and Secondary Education.

(b) "State education agency" means the department.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 180, Imd. Eff. Oct. 3, 2003;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—

© Courtesy of www.legislature.mi.gov

Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In subsection (1), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $2,519,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.

For transfer of powers, duties, functions, and responsibilities of the database for educational performance and information to the center for educational performance and information by type II transfer, see E.R.O. No. 2000-6, compiled at MCL 388.996 of the Michigan compiled laws.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Sec. 94a, as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

For transfer of a position on the center for educational performance and information advisory committee designated for a representative of the department of career development to the director of the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

****** 388.1694a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1694a.amended Center for educational performance and information; creation; duties.

Sec. 94a. (1) There is created within the state budget office in the department of technology, management, and budget the center for educational performance and information. The center shall do all of the following:

(a) Coordinate the collection of all data required by state and federal law from districts, intermediate districts, and postsecondary institutions.

(b) Create, maintain, and enhance this state's P-20 longitudinal data system and ensure that it meets the requirements of subsection (4).

(c) Collect data in the most efficient manner possible in order to reduce the administrative burden on reporting entities, including, but not limited to, electronic transcript services.

(d) Create, maintain, and enhance this state's web-based educational portal to provide information to school leaders, teachers, researchers, and the public in compliance with all federal and state privacy laws.

© Courtesy of www.legislature.mi.gov

Data must include, but are not limited to, all of the following:

(*i*) Data sets that link teachers to student information, allowing districts to assess individual teacher impact on student performance and consider student growth factors in teacher and principal evaluation systems.

(*ii*) Data access or, if practical, data sets, provided for regional data hubs that, in combination with local data, can improve teaching and learning in the classroom.

(*iii*) Research-ready data sets for researchers to perform research that advances this state's educational performance.

(e) Provide data in a useful manner to allow state and local policymakers to make informed policy decisions.

(f) Provide public reports to the residents of this state to allow them to assess allocation of resources and the return on their investment in the education system of this state.

(g) Other functions as assigned by the state budget director.

(2) Each state department, officer, or agency that collects information from districts, intermediate districts, or postsecondary institutions as required under state or federal law shall make arrangements with the center to ensure that the state department, officer, or agency is in compliance with subsection (1). This subsection does not apply to information collected by the department of treasury under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a; the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821; the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1921 to 388.1939; or section 1351a of the revised school code, MCL 380.1351a.

(3) The center may enter into any interlocal agreements necessary to fulfill its functions.

(4) The center shall ensure that the P-20 longitudinal data system required under subsection (1)(b) meets all of the following:

(a) Includes data at the individual student level from preschool through postsecondary education and into the workforce.

(b) Supports interoperability by using standard data structures, data formats, and data definitions to ensure linkage and connectivity in a manner that facilitates the exchange of data among agencies and institutions within the state and between states.

(c) Enables the matching of individual teacher and student records so that an individual student may be matched with those teachers providing instruction to that student.

(d) Enables the matching of individual teachers with information about their certification and the institutions that prepared and recommended those teachers for state certification.

(e) Enables data to be easily generated for continuous improvement and decision-making, including timely reporting to parents, teachers, and school leaders on student achievement.

(f) Ensures the reasonable quality, validity, and reliability of data contained in the system.

(g) Provides this state with the ability to meet federal and state reporting requirements.

(h) For data elements related to preschool through grade 12 and postsecondary, meets all of the following:

(*i*) Contains a unique statewide student identifier that does not permit a student to be individually identified by users of the system, except as allowed by federal and state law.

(*ii*) Contains student-level enrollment, demographic, and program participation information.

(*iii*) Contains student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete education programs.

(*iv*) Has the capacity to communicate with higher education data systems.

(i) For data elements related to preschool through grade 12 only, meets all of the following:

(*i*) Contains yearly test records of individual students for assessments approved by DED-OESE for accountability purposes under section 1111(b) of the elementary and secondary education act of 1965, 20 USC 6311, including information on individual students not tested, by grade and subject.

(*ii*) Contains student-level transcript information, including information on courses completed and grades earned.

(*iii*) Contains student-level college readiness test scores.

(j) For data elements related to postsecondary education only:

(*i*) Contains data that provide information regarding the extent to which individual students transition successfully from secondary school to postsecondary education, including, but not limited to, all of the following:

(A) Enrollment in remedial coursework.

(B) Completion of 1 year's worth of college credit applicable to a degree within 2 years of enrollment.

(*ii*) Contains data that provide other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(5) From the general fund money appropriated in section 11, there is allocated an amount not to exceed

© Courtesy of www.legislature.mi.gov

$18,802,500.00 for 2021-2022 to the department of technology, management, and budget to support the operations of the center. In addition, from the federal funds appropriated in section 11, there is allocated for 2021-2022 the amount necessary, estimated at $193,500.00, to support the operations of the center and to establish a P-20 longitudinal data system necessary for state and federal reporting purposes. The center shall cooperate with the department to ensure that this state is in compliance with federal law and is maximizing opportunities for increased federal funding to improve education in this state.

(6) From the funds allocated in subsection (5), the center may use an amount determined by the center for competitive grants for 2021-2022 to support collaborative efforts on the P-20 longitudinal data system. All of the following apply to grants awarded under this subsection:

(a) The center shall award competitive grants to eligible intermediate districts or a consortium of intermediate districts based on criteria established by the center.

(b) Activities funded under the grant must support the P-20 longitudinal data system portal and may include portal hosting, hardware and software acquisition, maintenance, enhancements, user support and related materials, and professional learning tools and activities aimed at improving the utility of the P-20 longitudinal data system.

(c) An applicant that received a grant under this subsection for the immediately preceding fiscal year has priority for funding under this section. However, after 3 fiscal years of continuous funding, an applicant is required to compete openly with new applicants.

(7) Funds allocated under this section that are not expended in the fiscal year in which they were allocated may be carried forward to a subsequent fiscal year and are appropriated for the purposes for which the funds were originally allocated.

(8) The center may bill departments as necessary in order to fulfill reporting requirements of state and federal law. The center may also enter into agreements to supply custom data, analysis, and reporting to other principal executive departments, state agencies, local units of government, and other individuals and organizations. The center may receive and expend funds in addition to those authorized in subsection (5) to cover the costs associated with salaries, benefits, supplies, materials, and equipment necessary to provide such data, analysis, and reporting services.

(9) As used in this section, "DED-OESE" means the United States Department of Education Office of Elementary and Secondary Education.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 180, Imd. Eff. Oct. 3, 2003;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 73, Imd. Eff. July 9, 2009;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: In subsection (1), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $2,519,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.

For transfer of powers, duties, functions, and responsibilities of the database for educational performance and information to the center for educational performance and information by type II transfer, see E.R.O. No. 2000-6, compiled at MCL 388.996 of the Michigan compiled laws.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Sec. 94a, as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to

© Courtesy of www.legislature.mi.gov

local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

For transfer of a position on the center for educational performance and information advisory committee designated for a representative of the department of career development to the director of the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 73 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

****** 388.1694b THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1694b Connecting information in education committee; creation; duties.

Sec. 94b. From the general fund money appropriated in section 11, there is allocated an amount not to exceed $100.00 for 2020-2021 to the connecting information in education committee created in this section. The connecting information in education committee is created for 2020-2021. Both of the following apply to the committee described in this section:

(a) The committee shall provide recommendations concerning, at a minimum, all of the following to the legislature and the governor:

(*i*) How to lead the replication and scaling of best practices in instruction, administration, and student support to enable this state to be among the fastest improving states in the nation in academic gains for all student groups.

(*ii*) How to close the educational achievement gap based on income, race, geography, language, gender, and student needs.

(*iii*) How to prepare every student for success after high school.

(b) The committee shall work in consultation with the department, the center, the executive branch, the legislature, education stakeholders, and other nongovernmental organizations, to provide recommendations based on research to school leaders and educators as they implement best practices proven to improve student performance.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1694c.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1694c.added Michigan streamlining data and spending analysis; report to legislature.

Sec. 94c. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $1,500,000.00 for 2021-2022 to the department to select a vendor through a competitive bid process that will compile a report to be sent to the legislature that includes all of the following:

(a) A strategy for streamlining the reporting that districts and intermediate districts are required to submit under state law.

(b) Recommendations for an annual process to measure and compare noninstructional staffing and spending by districts and intermediate districts and propose options to help districts and intermediate districts optimize noninstructional spending over time. Districts and intermediate districts are not required to modify their spending due to the operation of this subdivision. As used in this subdivision, "noninstructional spending" does not include facility costs, leases, rental payments, or other capital costs.

(c) Subject to subsection (2), recommendations for an information technology strategy for the K to 12

© Courtesy of www.legislature.mi.gov

system and a short list of information technology systems that districts and intermediate districts may choose from that meet both of the following:

(*i*) Are aligned to the information technology strategy described in this subdivision.

(*ii*) Can be used by districts and intermediate districts in transition as existing information technology systems are retired.

(2) A district or intermediate district is not required to select for use an information technology system described in subsection (1)(c) due to the operation of subsection (1)(c).

(3) This section does not impose any new or additional reporting requirements upon districts and intermediate districts.

(4) The center, to the extent practicable, shall provide data requested by the vendor selected under subsection (1) to the vendor.

(5) In its evaluation of vendors through the competitive bid process under subsection (1), the department shall consider at least all of the following criteria:

(a) The vendor's knowledge of this state's K to 12 system.

(b) The vendor's knowledge of center and National Center for Education Statistics (NCES) data.

(c) The vendor's knowledge of existing K to 12 reports.

(d) The vendor's knowledge of existing K to 12 technology systems.

(e) The vendor's knowledge of reporting, information technology, and benchmarking best practices.

(f) The vendor's expertise in providing advice to this state's K to 12 systems on efficiency measures.

(6) The department, center, or the vendor selected under subsection (1) shall not require that a district or intermediate district implement the strategies or recommendations developed under this section by the vendor selected under subsection (1) unless legislation is enacted that allows the department, center, or a vendor selected under subsection (1) to require said implementation.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1694d.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1694d.added Personnel for children with disabilities task force.

Sec. 94d. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,500,000.00 for 2021-2022 for the purposes of this section.

(2) Funds under this section must be used to create and support a task force that will develop a comprehensive multi-year plan to attract, prepare, and retain qualified personnel for children with disabilities. The task force described in this subsection shall provide all of the following:

(a) An identification of the barriers to attracting and training qualified personnel to work with children with disabilities.

(b) An analysis of current educator preparation processes, including the degree to which they meet the needs of special education students and whether the preparation process could be streamlined to increase the number of qualified personnel entering the field of special education.

(c) An analysis of attrition rates for qualified personnel leaving the field of special education and recommendations for ways that this state or districts could better retain talent.

(d) An analysis of this state's licensing requirements and whether they could be streamlined to increase the number of qualified personnel entering the field of special education.

(e) Policy changes that should be enacted into law to address the barriers identified in this subsection, with specific changes to applicable state laws or applicable state rules.

(3) The task force described in subsection (2) must include representation from all special education stakeholder communities, including, but not limited to, teachers, school administrators, parents of special education students, students, educator preparation programs, the department, the legislative branch, the executive branch, the business community, and special education advocacy groups.

(4) The department shall identify an intermediate district that will serve as the fiscal agent for the funding under this section.

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

(6) It is the intent of the legislature that the funding under this section support the task force described in subsection (2) for 3 years.

(7) The funds allocated under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 do not lapse to the state school aid fund and are carried forward into 2022-2023. The purpose of the work project is to continue support for the task force described in subsection (2). The estimated completion date of the work project is September 30, 2024.

© Courtesy of www.legislature.mi.gov

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

388.1695 Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's note: The repealed section pertained to professional development for principals and assistant principals.

388.1695a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to the educator evaluation reserve fund.

****** 388.1695b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1695b.amended ******

388.1695b Model value-added growth and projection analytics system; statewide training for reporting; report.

Sec. 95b. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $2,000,000.00 for the model value-added growth and projection analytics system. The department shall continue the model value-added growth and projection analytics system and incorporate that model into its reporting requirements under the every student succeeds act, Public Law 114-95. It is the intent of the legislature to fund the model under this section for 2021-2022 only if at least 50% of districts that are not public school academies opt in to student-teacher linkages provided by the model value-added growth and projection analytics system and there is verification that the value-added reporting platform continued hosting and delivery of historical reporting as determined based on the report under subsection (5). The model described in this subsection must do at least all of the following:

(a) Utilize existing assessments and any future assessments that are suitable for measuring student growth.

(b) Report student growth measures at the district, school, teacher, and subgroup levels.

(c) Recognize the growth of tested students, including those who may have missing assessment data.

(d) Include all available prior standardized assessment data that meet inclusion criteria across grades, subjects, and state and local assessments.

(e) Allow student growth results to be disaggregated.

(f) Provide individual student projections showing the probability of a student reaching specific performance levels on future assessments. Given school closures and extended cancellations related to COVID-19, the data under this subdivision may be used to inform decisions about student placement or students that could benefit from additional supports or interventions.

(g) Demonstrate any prior success with this state's assessments through the Michigan council of educator effectiveness teacher evaluation pilot.

(h) Demonstrate prior statewide implementation in at least 2 other states for at least 10 years.

(i) Have a native roster verification system built into the value-added reporting platform that has been implemented statewide in at least 2 other states.

(j) Have a "help/contact us" ticketing system built into the value-added reporting platform.

(k) Given school closures that have occurred pursuant to an executive order issued by the governor, the value-added reporting platform must provide continued hosting and delivery of reporting and offer the department additional supports in the areas of research, analysis, web reporting, and training.

(*l*) The department and the platform vendor shall provide statewide training for educators to understand the reporting that details the impact to student learning and growth.

(2) The department shall provide internet-based electronic student growth and projection reporting based on the model under subsection (1) to educators at the school, district, and state levels. The model must include role-based permissions that allow educators to access information about the performance of the students within their immediate responsibility in accordance with applicable privacy laws.

(3) The model under subsection (1) must not be a mandatory part of teacher evaluation or educator pay-for-performance systems.

(4) The model under subsection (1) must be a model that received funding under this section in 2018-2019.

(5) By March 31, 2021, the department shall work with the center to provide a report to the senate and house appropriations subcommittees on state school aid and the senate and house fiscal agencies regarding the number of districts that are not public school academies that opted in to student-teacher linkages in their use of the model value-added growth and projection analytics system under this section. The report under this subsection must also include verification that the value-added reporting platform continued hosting and delivery of historical reporting and specify any additional research and analysis offered to the department.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018 ;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

© Courtesy of www.legislature.mi.gov

****** 388.1695b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1695b.amended Model value-added growth and projection analytics system; statewide training for reporting; report.

Sec. 95b. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $2,000,000.00 for 2021-2022 for the model value-added growth and projection analytics system. The department shall continue the model value-added growth and projection analytics system and incorporate that model into its reporting requirements under the every student succeeds act, Public Law 114-95. The model described in this subsection must do at least all of the following:

(a) Utilize existing assessments and any future assessments that are suitable for measuring student growth.

(b) Report student growth measures at the district, school, teacher, and subgroup levels.

(c) Recognize the growth of tested students, including those who may have missing assessment data.

(d) Include all available prior standardized assessment data that meet inclusion criteria across grades, subjects, and state and local assessments.

(e) Allow student growth results to be disaggregated.

(f) Provide individual student projections showing the probability of a student reaching specific performance levels on future assessments. Given school closures and extended cancellations related to COVID-19, the data under this subdivision may be used to inform decisions about student placement or students that could benefit from additional supports or interventions.

(g) Demonstrate any prior success with this state's assessments through the Michigan council of educator effectiveness teacher evaluation pilot.

(h) Demonstrate prior statewide implementation in at least 2 other states for at least 10 years.

(i) Have a native roster verification system built into the value-added reporting platform that has been implemented statewide in at least 2 other states.

(j) Have a "help/contact us" ticketing system built into the value-added reporting platform.

(k) Given school closures that have occurred pursuant to an executive order issued by the governor, the value-added reporting platform must provide continued hosting and delivery of reporting and offer the department additional supports in the areas of research, analysis, web reporting, and training.

(*l*) The department and the platform vendor shall provide statewide training for educators to understand the reporting that details the impact to student learning and growth.

(2) The department shall provide internet-based electronic student growth and projection reporting based on the model under subsection (1) to educators at the school, district, and state levels. The model must include role-based permissions that allow educators to access information about the performance of the students within their immediate responsibility in accordance with applicable privacy laws.

(3) The model under subsection (1) must not be a mandatory part of teacher evaluation or educator pay-for-performance systems.

(4) The model under subsection (1) must be a model that received funding under this section in 2018-2019.

(5) By March 31, 2022, the department shall work with the center to provide a report to the senate and house appropriations subcommittees on school aid and the senate and house fiscal agencies regarding the number of districts that are not public school academies that opted in to student-teacher linkages in their use of the model value-added growth and projection analytics system under this section. The report under this subsection must also include verification that the value-added reporting platform continued hosting and delivery of historical reporting and specify any additional research and analysis offered to the department.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018 ;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1696 Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to golden apple awards.

****** 388.1697.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1697.added School safety grant program; application process requirements; department of state police; administration; report; work project.

Sec. 97. (1) For 2021-2022, from the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $7,500,000.00 and from the general fund money appropriated under section 11, there is allocated an amount not to exceed $2,500,000.00 for competitive grants to public schools, nonpublic schools, districts, and intermediate districts to purchase technology equipment, upgrade hardening measures, or conduct school building safety assessments to improve the safety and security of school

© Courtesy of www.legislature.mi.gov

buildings, pupils or students, and school staff with the goal of creating a safer school environment through equipment and technology enhancements. The department of state police, grants and community services division, shall administer the grant program described in this subsection. All grants under this subsection must be funded on a reimbursement-only basis. Grants under this subsection must not exceed $50,000.00 for each public school or nonpublic school and $250,000.00 for each district or intermediate district.

(2) All of the following apply to the application process for funding under subsection (1):

(a) To receive funding under subsection (1), a public school, nonpublic school, district, or intermediate district shall submit an application for funding under subsection (1) directly to the department of state police, grants and community services division.

(b) An application from a district or intermediate district under this subsection must be for 1 or more buildings that have some or all of pre-K to grade 12 classrooms and pupils.

(c) An applicant may submit only 1 application.

(d) An individual public school may submit its own application but must not also be included in its district's application if the district submits an application under this subsection.

(e) The department of state police shall award grants to applicants based on eligibility, the project description, and whether the project reflects the highest security need of the applicant within grant funding constraints, the budget narrative, the budget, project goals, objectives, and performance measures.

(f) The department of state police shall give priority to all of the following applicants:

(*i*) Applicants seeking funding for projects that involve multiple agencies working in partnership.

(*ii*) Applicants seeking funding for proposals that seek to secure exterior access points of school buildings.

(*iii*) Applicants that did not receive a school safety grant in the past.

(*iv*) Applicants that did not receive a grant under section 1001 of article XX of 2018 PA 207 or under section 115 of 2018 PA 618.

(g) To be awarded a grant, an applicant must demonstrate proof that the public school, nonpublic school, district, or intermediate district has an emergency operation plan that was updated after August 1, 2017 to align with the state emergency operations plan guidance and statewide school safety information policy developed under section 1308 of the revised school code, MCL 380.1308.

(h) The department of state police shall issue grant guidance and application materials, including required performance measures, not later than February 1, 2022.

(3) The department of state police shall not award funding under subsection (1) to a public school, nonpublic school, district, or intermediate district in relation to the same school building more than once. If a district submits an application under subsection (2) relating to a school building and a public school within that district also submits an application for funding in relation to that same school building, the department of state police shall not allocate funding under subsection (1) twice for that school building. If a public school, nonpublic school, district, or intermediate district submits more than 1 application, the department of state police shall first consider the most recent application submitted in considering funding under subsection (1).

(4) Eligible expenses for reimbursement under subsection (1) must be consistent with the recommendations of the school safety task force created by Executive Order No. 2018-5. The department of state police shall list the eligible expenses in the grant guidance and application materials described under subsection (2). The following items are not eligible expenses for which grant funds under subsection (1) may be applied:

(a) Weapons, including tasers.

(b) Personal body armor for routine use.

(c) Construction of new facilities.

(d) Costs in applying for the grant, such as consultants and grant writers.

(e) Expenses incurred before the date of the award or after the end of the performance period of the grant award.

(f) Personnel costs or operation costs related to a capital improvement.

(g) Indirect costs or indirect administrative expenses.

(h) Travel.

(i) Contributions or donations.

(j) Management or administrative training and conferences, except as otherwise preapproved by the department of state police.

(k) Management studies or research and development.

(*l*) Memberships and dues, except for a specific requirement of the project that has been preapproved by the department of state police.

(m) Vehicles, watercraft, or aircraft, including unmanned or remotely piloted aircraft and vehicles.

(n) Service contracts and training beyond the performance period of the grant award.

© Courtesy of www.legislature.mi.gov

(o) Food, refreshments, and snacks.

(5) A grantee under section 1001 of article XX of 2018 PA 207 that is a public school, nonpublic school, district, or intermediate district or a grantee under section 115 of 2018 PA 618 that is a public school, nonpublic school, district, or intermediate district is not prohibited from applying for, and receiving, a grant award under this section.

(6) The department of state police shall begin issuing awards for grants under subsection (1) not later than May 1, 2022. A project that is awarded a grant under this section must be completed by July 1, 2023.

(7) The department of state police shall report on grant activities under this section, including available performance outcomes as identified in individual grant agreements, to the senate and house appropriations subcommittees on state police, the senate and house fiscal agencies, and the state budget office by August 1, 2023.

(8) The funds allocated for school safety grants under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 do not lapse to the state school aid fund or general fund and are carried forward into 2022-2023. The purpose of the work project is to continue promoting safer school environments. The estimated completion date of the work project is July 1, 2023.

(9) The department of state police shall ensure that a grant to a nonpublic school under this section is funded from the general fund money allocated under this section.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The repealed section pertained to competitive grants to improve the safety and security of school buildings, pupils, and staff.

Former MCL 388.1697, which pertained to competitive grants to improve the safety and security of school buildings, pupils, and staff was repealed by Act 146 of 2020, Imd. Eff. July 31, 2020.

****** 388.1697a.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1697a.added Michigan Virtual University; Navigate 360.

Sec. 97a. From the general fund money appropriated in section 11, there is allocated an amount not to exceed $1,947,000.00 for 2021-2022 for Michigan Virtual University to support Navigate 360.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1698 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1698.amended ******

388.1698 Michigan Virtual University; Michigan Virtual Learning Research Institute; Michigan Virtual School; online and blended educator professional development programs; virtual course offerings; home-schooled or nonpublic school student; report; advisory group; submission of budget; definitions.

Sec. 98. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $7,500,000.00 for 2020-2021 for the purposes described in this section. The Michigan Virtual University shall provide a report to the legislature not later than November 1 of each year that includes its mission, its plans, and proposed benchmarks it must meet, including a plan to achieve the organizational priorities identified in this section, in order to receive full funding for 2021-2022. Not later than March 1 of each year, the Michigan Virtual University shall provide an update to the house and senate appropriations subcommittees on school aid to show the progress being made to meet the benchmarks identified.

(2) The Michigan Virtual University shall operate the Michigan Virtual Learning Research Institute. The Michigan Virtual Learning Research Institute shall do all of the following:

(a) Support and accelerate innovation in education through the following activities:

(*i*) Test, evaluate, and recommend as appropriate new technology-based instructional tools and resources.

(*ii*) Research, design, and recommend virtual education delivery models for use by pupils and teachers that include age-appropriate multimedia instructional content.

(*iii*) Research, develop, and recommend annually to the department criteria by which cyber schools and virtual course providers should be monitored and evaluated to ensure a quality education for their pupils.

(*iv*) Based on pupil completion and performance data reported to the department or the center from cyber schools and other virtual course providers operating in this state, analyze the effectiveness of virtual learning delivery models in preparing pupils to be college- and career-ready and publish a report that highlights enrollment totals, completion rates, and the overall impact on pupils. The Michigan Virtual Learning Research Institute shall submit the report to the house and senate appropriations subcommittees on state school aid, the state budget director, the house and senate fiscal agencies, the department, districts, and intermediate districts not later than March 31 of each year.

© Courtesy of www.legislature.mi.gov

(*v*) Provide an extensive professional development program to at least 30,000 educational personnel, including teachers, school administrators, and school board members, that focuses on the effective integration of virtual learning into curricula and instruction. The Michigan Virtual Learning Research Institute is encouraged to work with the MiSTEM advisory council created under section 99s to coordinate professional development of teachers in applicable fields. In addition, the Michigan Virtual Learning Research Institute and external stakeholders are encouraged to coordinate with the department for professional development in this state. Not later than December 1 of each year, the Michigan Virtual Learning Research Institute shall submit a report to the house and senate appropriations subcommittees on state school aid, the state budget director, the house and senate fiscal agencies, and the department on the number of teachers, school administrators, and school board members who have received professional development services from the Michigan Virtual University. The report must also identify barriers and other opportunities to encourage the adoption of virtual learning in the public education system.

(*vi*) Identify and share best practices for planning, implementing, and evaluating virtual and blended education delivery models with intermediate districts, districts, and public school academies to accelerate the adoption of innovative education delivery models statewide.

(b) Provide leadership for this state's system of virtual learning education by doing the following activities:

(*i*) Develop and report policy recommendations to the governor and the legislature that accelerate the expansion of effective virtual learning in this state's schools.

(*ii*) Provide a clearinghouse for research reports, academic studies, evaluations, and other information related to virtual learning.

(*iii*) Promote and distribute the most current instructional design standards and guidelines for virtual teaching.

(*iv*) In collaboration with the department and interested colleges and universities in this state, support implementation and improvements related to effective virtual learning instruction.

(*v*) Pursue public/private partnerships that include districts to study and implement competency-based technology-rich virtual learning models.

(*vi*) Create a statewide network of school-based mentors serving as liaisons between pupils, virtual instructors, parents, and school staff, as provided by the department or the center, and provide mentors with research-based training and technical assistance designed to help more pupils be successful virtual learners.

(*vii*) Convene focus groups and conduct annual surveys of teachers, administrators, pupils, parents, and others to identify barriers and opportunities related to virtual learning.

(*viii*) Produce an annual consumer awareness report for schools and parents about effective virtual education providers and education delivery models, performance data, cost structures, and research trends.

(*ix*) Provide an internet-based platform that educators can use to create student-centric learning tools and resources for sharing in the state's open educational resource repository and facilitate a user network that assists educators in using the content creation platform and state repository for open educational resources. As part of this initiative, the Michigan Virtual University shall work collaboratively with districts and intermediate districts to establish a plan to make available virtual resources that align to Michigan's K-12 curriculum standards for use by students, educators, and parents.

(*x*) Create and maintain a public statewide catalog of virtual learning courses being offered by all public schools and community colleges in this state. The Michigan Virtual Learning Research Institute shall identify and develop a list of nationally recognized best practices for virtual learning and use this list to support reviews of virtual course vendors, courses, and instructional practices. The Michigan Virtual Learning Research Institute shall also provide a mechanism for intermediate districts to use the identified best practices to review content offered by constituent districts. The Michigan Virtual Learning Research Institute shall review the virtual course offerings of the Michigan Virtual University, and make the results from these reviews available to the public as part of the statewide catalog. The Michigan Virtual Learning Research Institute shall ensure that the statewide catalog is made available to the public on the Michigan Virtual University website and shall allow the ability to link it to each district's website as provided for in section 21f. The statewide catalog must also contain all of the following:

(A) The number of enrollments in each virtual course in the immediately preceding school year.

(B) The number of enrollments that earned 60% or more of the total course points for each virtual course in the immediately preceding school year.

(C) The pass rate for each virtual course.

(*xi*) Support registration, payment services, and transcript functionality for the statewide catalog and train key stakeholders on how to use new features.

(*xii*) Collaborate with key stakeholders to examine district level accountability and teacher effectiveness issues related to virtual learning under section 21f and make findings and recommendations publicly

© Courtesy of www.legislature.mi.gov

available.

(*xiii*) Provide a report on the activities of the Michigan Virtual Learning Research Institute.

(3) To further enhance its expertise and leadership in virtual learning, the Michigan Virtual University shall continue to operate the Michigan Virtual School as a statewide laboratory and quality model of instruction by implementing virtual and blended learning solutions for Michigan schools in accordance with the following parameters:

(a) The Michigan Virtual School must maintain its accreditation status from recognized national and international accrediting entities.

(b) The Michigan Virtual University shall use no more than $1,000,000.00 of the amount allocated under this section to subsidize the cost paid by districts for virtual courses.

(c) In providing educators responsible for the teaching of virtual courses as provided for in this section, the Michigan Virtual School shall follow the requirements to request and assess, and the department of state police shall provide, a criminal history check and criminal records check under sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, in the same manner as if the Michigan Virtual School were a school district under those sections.

(4) From the funds allocated under subsection (1), the Michigan Virtual University shall allocate up to $500,000.00 to support the expansion of new online and blended educator professional development programs.

(5) If the course offerings are included in the statewide catalog of virtual courses under subsection (2)(b)(*x*), the Michigan Virtual School operated by the Michigan Virtual University may offer virtual course offerings, including, but not limited to, all of the following:

(a) Information technology courses.

(b) College level equivalent courses, as defined in section 1471 of the revised school code, MCL 380.1471.

(c) Courses and dual enrollment opportunities.

(d) Programs and services for at-risk pupils.

(e) High school equivalency test preparation courses for adjudicated youth.

(f) Special interest courses.

(g) Professional development programs for teachers, school administrators, other school employees, and school board members.

(6) If a home-schooled or nonpublic school student is a resident of a district that subscribes to services provided by the Michigan Virtual School, the student may use the services provided by the Michigan Virtual School to the district without charge to the student beyond what is charged to a district pupil using the same services.

(7) Not later than December 1 of each fiscal year, the Michigan Virtual University shall provide a report to the house and senate appropriations subcommittees on state school aid, the state budget director, the house and senate fiscal agencies, and the department that includes at least all of the following information related to the Michigan Virtual School for the preceding state fiscal year:

(a) A list of the districts served by the Michigan Virtual School.

(b) A list of virtual course titles available to districts.

(c) The total number of virtual course enrollments and information on registrations and completions by course.

(d) The overall course completion rate percentage.

(8) In addition to the information listed in subsection (7), the report under subsection (7) must also include a plan to serve at least 600 schools with courses from the Michigan Virtual School or with content available through the internet-based platform identified in subsection (2)(b)(*ix*).

(9) The governor may appoint an advisory group for the Michigan Virtual Learning Research Institute established under subsection (2). The members of the advisory group serve at the pleasure of the governor and without compensation. The purpose of the advisory group is to make recommendations to the governor, the legislature, and the president and board of the Michigan Virtual University that will accelerate innovation in this state's education system in a manner that will prepare elementary and secondary students to be career and college ready and that will promote the goal of increasing the percentage of residents of this state with high-quality degrees and credentials to at least 60% by 2025.

(10) Not later than November 1 of each year, the Michigan Virtual University shall submit to the house and senate appropriations subcommittees on state school aid, the state budget director, and the house and senate fiscal agencies a detailed budget for that fiscal year that includes a breakdown on its projected costs to deliver virtual educational services to districts and a summary of the anticipated fees to be paid by districts for those services. Not later than March 1 each year, the Michigan Virtual University shall submit to the house and senate appropriations subcommittees on state school aid, the state budget director, and the house and

© Courtesy of www.legislature.mi.gov

senate fiscal agencies a breakdown on its actual costs to deliver virtual educational services to districts and a summary of the actual fees paid by districts for those services based on audited financial statements for the immediately preceding fiscal year.

(11) As used in this section:

(a) "Blended learning" means a hybrid instructional delivery model where pupils are provided content, instruction, and assessment, in part at a supervised educational facility away from home where the pupil and a teacher with a valid Michigan teaching certificate are in the same physical location and in part through internet-connected learning environments with some degree of pupil control over time, location, and pace of instruction.

(b) "Cyber school" means a full-time instructional program of virtual courses for pupils that may or may not require attendance at a physical school location.

(c) "Virtual course" means a course of study that is capable of generating a credit or a grade and that is provided in an interactive learning environment in which the majority of the curriculum is delivered using the internet and in which pupils are separated from their instructor or teacher of record by time or location, or both.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1698, which pertained to professional development programs, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

In subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

For the transfer of powers and duties of the MiSTEM advisory council from the department of technology, management, and budget to the department of labor and economic opportunity, abolishment of the MiSTEM advisory council and the positions of executive director and executive assistant for the MISTEM network, and creation of the MI-STEM Council within the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, from the talent investment fund money appropriated in section 11, there is allocated an amount not to exceed $1,075,000.00" was vetoed by the governor on September

© Courtesy of www.legislature.mi.gov

30, 2019.

****** 388.1698.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1698.amended Michigan Virtual University; Michigan Virtual Learning Research Institute; Michigan Virtual School; online and blended educator professional development programs; virtual course offerings; home-schooled or nonpublic school student; report; advisory group; submission of budget; definitions.

Sec. 98. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $7,500,000.00 for 2021-2022 for the purposes described in this section. The Michigan Virtual University shall provide a report to the legislature not later than November 1 of each year that includes its mission, its plans, and proposed benchmarks it must meet, including a plan to achieve the organizational priorities identified in this section, in order to receive full funding for 2022-2023. Not later than March 1 of each year, the Michigan Virtual University shall provide an update to the house and senate appropriations subcommittees on school aid to show the progress being made to meet the benchmarks identified.

(2) The Michigan Virtual University shall operate the Michigan Virtual Learning Research Institute. The Michigan Virtual Learning Research Institute shall do all of the following:

(a) Support and accelerate innovation in education through the following activities:

(*i*) Test, evaluate, and recommend as appropriate new technology-based instructional tools and resources.

(*ii*) Research, design, and recommend virtual education delivery models for use by pupils and teachers that include age-appropriate multimedia instructional content.

(*iii*) Research, develop, and recommend annually to the department criteria by which cyber schools and virtual course providers should be monitored and evaluated to ensure a quality education for their pupils.

(*iv*) Based on pupil completion and performance data reported to the department or the center from cyber schools and other virtual course providers operating in this state, analyze the effectiveness of virtual learning delivery models in preparing pupils to be college- and career-ready and publish a report that highlights enrollment totals, completion rates, and the overall impact on pupils. The Michigan Virtual Learning Research Institute shall submit the report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, the department, districts, and intermediate districts not later than March 31 of each year.

(*v*) Provide an extensive professional development program to at least 30,000 educational personnel, including teachers, school administrators, and school board members, that focuses on the effective integration of virtual learning into curricula and instruction. The Michigan Virtual Learning Research Institute is encouraged to work with the MiSTEM council described in section 99s to coordinate professional development of teachers in applicable fields. In addition, the Michigan Virtual Learning Research Institute and external stakeholders are encouraged to coordinate with the department for professional development in this state. Not later than December 1 of each year, the Michigan Virtual Learning Research Institute shall submit a report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, and the department on the number of teachers, school administrators, and school board members who have received professional development services from the Michigan Virtual University. The report must also identify barriers and other opportunities to encourage the adoption of virtual learning in the public education system.

(*vi*) Identify and share best practices for planning, implementing, and evaluating virtual and blended education delivery models with intermediate districts, districts, and public school academies to accelerate the adoption of innovative education delivery models statewide.

(b) Provide leadership for this state's system of virtual learning education by doing the following activities:

(*i*) Develop and report policy recommendations to the governor and the legislature that accelerate the expansion of effective virtual learning in this state's schools.

(*ii*) Provide a clearinghouse for research reports, academic studies, evaluations, and other information related to virtual learning.

(*iii*) Promote and distribute the most current instructional design standards and guidelines for virtual teaching.

(*iv*) In collaboration with the department and interested colleges and universities in this state, support implementation and improvements related to effective virtual learning instruction.

(*v*) Pursue public/private partnerships that include districts to study and implement competency-based technology-rich virtual learning models.

(*vi*) Create a statewide network of school-based mentors serving as liaisons between pupils, virtual instructors, parents, and school staff, as provided by the department or the center, and provide mentors with

© Courtesy of www.legislature.mi.gov

research-based training and technical assistance designed to help more pupils be successful virtual learners.

(*vii*) Convene focus groups and conduct annual surveys of teachers, administrators, pupils, parents, and others to identify barriers and opportunities related to virtual learning.

(*viii*) Produce an annual consumer awareness report for schools and parents about effective virtual education providers and education delivery models, performance data, cost structures, and research trends.

(*ix*) Provide an internet-based platform that educators can use to create student-centric learning tools and resources for sharing in the state's open educational resource repository and facilitate a user network that assists educators in using the content creation platform and state repository for open educational resources. As part of this initiative, the Michigan Virtual University shall work collaboratively with districts and intermediate districts to establish a plan to make available virtual resources that align to Michigan's K-12 curriculum standards for use by students, educators, and parents.

(*x*) Create and maintain a public statewide catalog of virtual learning courses being offered by all public schools and community colleges in this state. The Michigan Virtual Learning Research Institute shall identify and develop a list of nationally recognized best practices for virtual learning and use this list to support reviews of virtual course vendors, courses, and instructional practices. The Michigan Virtual Learning Research Institute shall also provide a mechanism for intermediate districts to use the identified best practices to review content offered by constituent districts. The Michigan Virtual Learning Research Institute shall review the virtual course offerings of the Michigan Virtual University, and make the results from these reviews available to the public as part of the statewide catalog. The Michigan Virtual Learning Research Institute shall ensure that the statewide catalog is made available to the public on the Michigan Virtual University website and shall allow the ability to link it to each district's website as provided for in section 21f. The statewide catalog must also contain all of the following:

(A) The number of enrollments in each virtual course in the immediately preceding school year.

(B) The number of enrollments that earned 60% or more of the total course points for each virtual course in the immediately preceding school year.

(C) The pass rate for each virtual course.

(*xi*) Support registration, payment services, and transcript functionality for the statewide catalog and train key stakeholders on how to use new features.

(*xii*) Collaborate with key stakeholders to examine district level accountability and teacher effectiveness issues related to virtual learning under section 21f and make findings and recommendations publicly available.

(*xiii*) Provide a report on the activities of the Michigan Virtual Learning Research Institute.

(3) To further enhance its expertise and leadership in virtual learning, the Michigan Virtual University shall continue to operate the Michigan Virtual School as a statewide laboratory and quality model of instruction by implementing virtual and blended learning solutions for Michigan schools in accordance with the following parameters:

(a) The Michigan Virtual School must maintain its accreditation status from recognized national and international accrediting entities.

(b) The Michigan Virtual University shall use no more than $1,000,000.00 of the amount allocated under this section to subsidize the cost paid by districts for virtual courses.

(c) In providing educators responsible for the teaching of virtual courses as provided for in this section, the Michigan Virtual School shall follow the requirements to request and assess, and the department of state police shall provide, a criminal history check and criminal records check under sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, in the same manner as if the Michigan Virtual School were a school district under those sections.

(4) From the funds allocated under subsection (1), the Michigan Virtual University shall allocate up to $500,000.00 to support the expansion of new online and blended educator professional development programs.

(5) If the course offerings are included in the statewide catalog of virtual courses under subsection (2)(b)(*x*), the Michigan Virtual School operated by the Michigan Virtual University may offer virtual course offerings, including, but not limited to, all of the following:

(a) Information technology courses.

(b) College level equivalent courses, as that term is defined in section 1471 of the revised school code, MCL 380.1471.

(c) Courses and dual enrollment opportunities.

(d) Programs and services for at-risk pupils.

(e) High school equivalency test preparation courses for adjudicated youth.

(f) Special interest courses.

© Courtesy of www.legislature.mi.gov

(g) Professional development programs for teachers, school administrators, other school employees, and school board members.

(6) If a home-schooled or nonpublic school student is a resident of a district that subscribes to services provided by the Michigan Virtual School, the student may use the services provided by the Michigan Virtual School to the district without charge to the student beyond what is charged to a district pupil using the same services.

(7) Not later than December 1 of each fiscal year, the Michigan Virtual University shall provide a report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, and the department that includes at least all of the following information related to the Michigan Virtual School for the preceding state fiscal year:

(a) A list of the districts served by the Michigan Virtual School.

(b) A list of virtual course titles available to districts.

(c) The total number of virtual course enrollments and information on registrations and completions by course.

(d) The overall course completion rate percentage.

(8) In addition to the information listed in subsection (7), the report under subsection (7) must also include a plan to serve at least 600 schools with courses from the Michigan Virtual School or with content available through the internet-based platform identified in subsection (2)(b)(*ix*).

(9) The governor may appoint an advisory group for the Michigan Virtual Learning Research Institute established under subsection (2). The members of the advisory group serve at the pleasure of the governor and without compensation. The purpose of the advisory group is to make recommendations to the governor, the legislature, and the president and board of the Michigan Virtual University that will accelerate innovation in this state's education system in a manner that will prepare elementary and secondary students to be career and college ready and that will promote the goal of increasing the percentage of residents of this state with high-quality degrees and credentials to at least 60% by 2025.

(10) Not later than November 1 of each year, the Michigan Virtual University shall submit to the house and senate appropriations subcommittees on school aid, the state budget director, and the house and senate fiscal agencies a detailed budget for that fiscal year that includes a breakdown on its projected costs to deliver virtual educational services to districts and a summary of the anticipated fees to be paid by districts for those services. Not later than March 1 each year, the Michigan Virtual University shall submit to the house and senate appropriations subcommittees on school aid, the state budget director, and the house and senate fiscal agencies a breakdown on its actual costs to deliver virtual educational services to districts and a summary of the actual fees paid by districts for those services based on audited financial statements for the immediately preceding fiscal year.

(11) As used in this section:

(a) "Blended learning" means a hybrid instructional delivery model where pupils are provided content, instruction, and assessment, in part at a supervised educational facility away from home where the pupil and a teacher with a valid Michigan teaching certificate are in the same physical location and in part through internet-connected learning environments with some degree of pupil control over time, location, and pace of instruction.

(b) "Cyber school" means a full-time instructional program of virtual courses for pupils that may or may not require attendance at a physical school location.

(c) "Virtual course" means a course of study that is capable of generating a credit or a grade and that is provided in an interactive learning environment in which the majority of the curriculum is delivered using the internet and in which pupils are separated from their instructor or teacher of record by time or location, or both.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1698, which pertained to professional development programs, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

In subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA

© Courtesy of www.legislature.mi.gov

327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

For the transfer of powers and duties of the MiSTEM advisory council from the department of technology, management, and budget to the department of labor and economic opportunity, abolishment of the MiSTEM advisory council and the positions of executive director and executive assistant for the MISTEM network, and creation of the MI-STEM Council within the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, from the talent investment fund money appropriated in section 11, there is allocated an amount not to exceed $1,075,000.00" was vetoed by the governor on September 30, 2019.

388.1698a Extended COVID-19 learning plans; inapplicable to cyber schools; report.

Sec. 98a. (1) In order to receive state aid under this article for 2020-2021, a district must provide, for the 2020-2021 school year, instruction under an extended COVID-19 learning plan that has been approved by an intermediate district or authorizing body, as applicable, under subsection (2). It is the intent of the legislature that extended COVID-19 learning plans described in this subsection provide districts with maximum flexibility to adapt their educational programs for some or all pupils at some or all of the schools operated by the district to respond to the COVID-19 pandemic. An extended COVID-19 learning plan described in this subsection must include all of the following elements:

(a) A statement indicating why an extended COVID-19 learning plan is necessary to increase pupil engagement and achievement for the 2020-2021 school year.

(b) The educational goals expected to be achieved for the 2020-2021 school year. The educational goals described in this subdivision must not be utilized to determine state policy. The district must establish all of its goals under this subdivision by not later than September 15, 2020. An extended COVID-19 learning plan described in this subsection must specify which educational goals described in this subdivision are expected to be achieved by the middle of the school year and which goals are expected to be achieved by the end of the school year. All of the following apply to the educational goals described in this subdivision:

(*i*) The goals must include increased pupil achievement or, if growth can be validly and reliably measured using a benchmark assessment or benchmark assessments, growth on a benchmark assessment or benchmark assessments described in subparagraph (*ii*) in the aggregate and for all subgroups of pupils.

(*ii*) The goals must include an assurance that the district shall select a benchmark assessment or benchmark assessments that are aligned to state standards and an assurance that the district shall administer the benchmark assessment or benchmark assessments to all pupils as prescribed under section 104 to determine whether pupils are making meaningful progress toward mastery of these standards.

(*iii*) The goals must be measurable through a benchmark assessment or benchmark assessments described in subparagraph (*ii*).

(c) A description of how instruction will be delivered during the 2020-2021 school year. Instruction, as

© Courtesy of www.legislature.mi.gov

described in this subdivision, may be delivered at school or at a different location, in person, online, digitally, by other remote means, in a synchronous or asynchronous format, or any combination thereof, but, except as otherwise provided in this subdivision, must be delivered as included in the description. If the description of instructional delivery under this subdivision differs from the delivery of instruction re-confirmed under this subdivision, then instruction must be delivered as re-confirmed. Thirty days after the approval of the plan under subsection (2), and each month thereafter, the district must, at a meeting of the board or board of directors, as applicable, of the district, re-confirm how instruction is going to be delivered during the 2020-2021 school year. Public comment must be solicited from the parents or legal guardians of the pupils enrolled in the district during a meeting described in this subdivision. For each reconfirmation described in this subdivision, the district shall report to the center, in a form and manner prescribed by the center, the instructional delivery method that was reconfirmed; how that instruction will be delivered for each grade level offered by the district, including pre-kindergarten, as applicable; and whether or not, as determined by the department in consultation with the center, the district is offering higher levels of in-person instruction for English language learners, special education students, or other special populations.

(d) A description of how instruction for core academic areas provided under the extended COVID-19 learning plan will expose each pupil to the academic standards that apply for each pupil's grade level or courses in the same scope and sequence as the district had planned for that exposure to occur for in-person instruction, as applicable, and a description of how pupil progress toward mastery of the standards described in this subdivision will be graded or otherwise reported to the pupil and the pupil's parent or legal guardian.

(e) If the district is delivering pupil instruction virtually, an assurance and description of how pupils will be provided with equitable access to technology and the internet necessary to participate in instruction. This subdivision does not prohibit a district from providing pupil instruction through nonvirtual educational materials.

(f) A description of how the district will ensure that students with disabilities will be provided with equitable access to instruction accommodation in accordance with applicable state and federal laws, rules, and regulations.

(g) A requirement that the district, in consultation with a local health department, as that term is defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105, and district employees, develop districtwide guidelines concerning appropriate methods for delivering pupil instruction for the 2020-2021 school year that are based on local data that are based on key metrics. However, regardless of the guidelines developed under this subdivision, a determination concerning the method for delivering pupil instruction remains with the district. As used in this subdivision, "key metrics" means, at a minimum, all of the following:

(*i*) The trend of COVID-19 cases or positive COVID-19 tests, hospitalizations due to COVID-19, and the number of deaths resulting from COVID-19 over a 14-day period.

(*ii*) COVID-19 cases for each day for every 1 million individuals.

(*iii*) The percentage of positive COVID-19 tests over a 4-week period.

(*iv*) Health care capacity strength.

(*v*) Testing, tracing, and containment infrastructure with regard to COVID-19.

(h) A provision that, if the district determines that it is safe to provide in-person pupil instruction to pupils, the district shall prioritize providing in-person pupil instruction to pupils in grades K to 5 who are enrolled in the district.

(i) A requirement that the district shall ensure that 2 2-way interactions occur between a pupil enrolled in the district and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress during each week of the school year for at least 75% of pupils enrolled in the district. A district may utilize 2-way interactions that occur under this subdivision toward meeting the requirement under section 101(3)(h). The district shall publicly announce its weekly interaction rates under this subdivision at each reconfirmation meeting described in subdivision (c) and make those rates accessible through the transparency reporting link located on the district's website each month. As used in this subdivision, "2-way interaction" means a communication that occurs between a pupil and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, where 1 party initiates communication and a response from the other party follows that communication, and that is relevant to course progress or course content for at least 1 of the courses in which the pupil is enrolled or relevant to the pupil's overall academic progress or grade progression. Responses, as described in this subdivision, must be to communication initiated by the teacher, by another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, or by the pupil, and not some other action taken. The communication described in this subdivision may occur through, but is not limited to, any of the

© Courtesy of www.legislature.mi.gov

following means:

(*i*) Electronic mail.

(*ii*) Telephone.

(*iii*) Instant messaging.

(*iv*) Face-to-face conversation.

(2) A district that is not a public school academy that intends to provide instruction under an extended COVID-19 learning plan shall submit its extended COVID-19 learning plan described in subsection (1) to the intermediate district in which the district is located by not later than October 1, 2020, and, except as otherwise provided in this subsection, a district that is a public school academy that intends to provide instruction under an extended COVID-19 learning plan shall submit its extended COVID-19 learning plan described in subsection (1) to its authorizing body by not later than October 1, 2020, for approval. A district that is a public school academy that, by agreement, provides educational services for the residents of a district that is not a public school academy and that does not directly provide public educational services to its residents that intends to provide instruction under an extended COVID-19 learning plan shall submit its extended COVID-19 learning plan described in subsection (1) to the intermediate district in which it is located not later than October 1, 2020 for approval. An intermediate district or authorizing body, as applicable, shall approve an extended COVID-19 learning plan submitted for approval under this subsection by not later than October 9, 2020 if the plan includes all of the elements required for inclusion in the plan under subsection (1). If an intermediate district or authorizing body, as applicable, approves of a district's extended COVID-19 learning plan under this subsection, the intermediate district or authorizing body, as applicable, shall transmit copies of the approved plan to the superintendent of public instruction and the state treasurer.

(3) An extended COVID-19 learning plan described in subsection (1) and approved under subsection (2) must be made accessible through the transparency reporting link located on the district's website by not later than October 12, 2020.

(4) All of the following apply to a district that is providing instruction under an extended COVID-19 learning plan approved under this section:

(a) By not later than January 15, 2021, the district shall create a report that includes information regarding both of the following and shall ensure that the report under this subdivision can be accessed through the transparency reporting link located on the district's website:

(*i*) The amount and type of training provided during the current school year as of the date of the report to teachers of the district through professional development that focuses on how to deliver virtual content.

(*ii*) The amount and type of training provided during the current school year as of the date of the report to the parents and legal guardians of pupils and to pupils on how to access and use virtual content provided by the district.

(b) By not later than February 1, 2021, the district shall create a report concerning progress made in meeting the educational goals described in subsection (1) that the district expected would be achieved by the middle of the school year and shall ensure that the report under this subdivision can be accessed through the transparency reporting link located on the district's website.

(c) By not later than the last day of the 2020-2021 school year, the district shall create a report concerning progress made in meeting the educational goals described in subsection (1) that the district expected would be achieved by the end of the school year and shall ensure that the report under this subdivision can be accessed through the transparency reporting link located on the district's website.

(5) This section does not apply to a district that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551.

History: Add. 2020, Act 149, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1698a, which pertained to allocation for 21st century learning environment, was repealed by Act 110 of 2010, Eff. Oct. 1, 2010.

****** 388.1698b.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1698b.added Benchmark assessment reporting.

Sec. 98b. (1) In order to receive state aid under this article for 2021-2022, a district must do all of the following:

(a) By not later than the first meeting of the board that occurs in February of 2022 and by not later than the last day of the 2021-2022 school year, the district superintendent or chief administrator of the district, as applicable, shall present both of the following at a public meeting of the board:

(*i*) Subject to state and federal privacy laws, the results from benchmark assessments and local benchmark assessments, as applicable, administered under section 104a.

© Courtesy of www.legislature.mi.gov

(*ii*) For each school operated by the district, each school's progress toward meeting the educational goals described in subdivision (d).

(b) The district shall ensure that the information presented under subdivision (a) is disaggregated by grade level, by student demographics, and by the mode of instruction received by the pupils to which the information applies.

(c) The information presented under subdivision (a) must also be compiled into a report that the district shall make available through the transparency reporting link located on the district's website.

(d) The district shall ensure that, by not later than September 15, 2021, each school building leader of each school operated by the district, in conjunction with all teachers and school administrators of the school, establishes educational goals expected to be achieved for the 2021-2022 school year for the school. The goals described in this subdivision must specify which educational goals are expected to be achieved by not later than the middle of the school year and which goals are expected to be achieved by not later than the last day of the 2021-2022 school year. All the following apply to the educational goals described in this subdivision:

(*i*) The goals must include increased pupil achievement or, if growth can be validly and reliably measured using a benchmark assessment or benchmark assessments or a local benchmark assessment, growth on a benchmark assessment or benchmark assessments or a local benchmark assessment described in subparagraph (*ii*) in the aggregate and for all subgroups of pupils broken down by grade level, student demographics, and mode of instruction.

(*ii*) The goals must include an assurance that the district shall select a benchmark assessment or benchmark assessments or a local benchmark assessment that are aligned to state standards and an assurance that the district shall administer the benchmark assessment or benchmark assessments or local benchmark assessment to all pupils as prescribed under section 104a to determine whether pupils are making meaningful progress toward mastery of these standards.

(*iii*) The goals must be measurable through a benchmark assessment or benchmark assessments or a local benchmark assessment described in subparagraph (*ii*).

(*iv*) For districts that provided instruction under an approved extended COVID-19 learning plan under section 98a, the goals must correlate to the educational goals that were included in the district's COVID-19 learning plan under section 98a for the 2020-2021 school year.

(e) In implementing a benchmark assessment system under section 104a, the district ensures that it is in compliance with section 104a(1)(f).

(2) The department shall create a statewide uniform template for districts to utilize in the development of educational goals under subsection (1)(d) and shall make this template available to all districts by not later than June 30, 2022.

(3) By not later than June 15, 2022, subject to state and federal privacy laws, the superintendent of public instruction shall submit a report to the house and senate appropriations subcommittees on school aid and the house and senate standing committees on education that includes the results of benchmark assessments administered under section 104a that the superintendent of public instruction has received from districts. All of the following apply to the data included in the report described in this subsection:

(a) It must be disaggregated by grade level, student demographics, and the modes of instruction received by pupils.

(b) It must be broken down so as to show a comparison of growth among pupils within a grade level, within certain student demographics, and based on the modes of instruction received by the pupils.

(4) If requested to do so by the chairs of the house and senate appropriations subcommittees on school aid and the chairs of the house and senate standing committees on education, the superintendent of public instruction shall present his or her report submitted under subsection (3) in person to the house and senate appropriations subcommittees on school aid and the house and senate standing committees on education.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The repealed section pertained to freedom to learn program.
Former MCL 388.1698b, which pertained to freedom to learn program was repealed by Act 92 of 2007, Imd. Eff. Oct. 1, 2007.

388.1698c Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's note: The repealed section pertained to web-based practice assessment and classroom remediation program.

****** 388.1698d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1698d.amended ******

388.1698d Michigan learning channel (MLC); requirements; report.

Sec. 98d. (1) From the state school aid fund money appropriated under section 11, there is allocated for

© Courtesy of www.legislature.mi.gov

2020-2021 an amount not to exceed $2,000,000.00 to Northern Michigan University to support the MLC as described in this section. Northern Michigan University shall not retain any portion of the funding received under this section for administrative purposes and shall provide funding to support the MLC. All of the following apply to the MLC:

(a) The MLC must be created to help bridge equity gaps in K to 12 education linked to a student's ability to engage in distance learning because of inadequate internet access or a lack of devices in the home.

(b) The MLC shall provide over-the-air broadcasts 24 hours each day for 7 days each week of quality instructional content that is aligned with this state's K to 12 educational standards. Over-the-air broadcasts as described in this subdivision must be streamed live and must be archived for on-demand viewing on a companion website, along with additional learning materials relevant to lessons.

(c) The MLC must be managed and operated by DPTV, and DPTV shall assume all risk, liability, and responsibility for the MLC in accordance with regulations by the U.S. Federal Communications Commission, PBS broadcast standards, and standard nonprofit business standards. DPTV shall serve as the fiduciary agent and service manager for the MLC. The MLC shall originate from a central operations center that is responsible for providing the infrastructure, content, and engagement of the MLC in partnership with this state's educational leadership organizations.

(d) The MLC shall require that DPTV provide technology, funding, staff training, and central management of the MLC to station partners to insert additional channels into each station's broadcast streams and to support staffing and engagement as outlined in a memorandum of understanding among the stations.

(e) The MLC shall require that DPTV partner with at least 5 other Michigan public television stations including, but not limited to, WKAR, WGVU, WDCQ, WCMU, and WNMU, to deliver the over-the-air MLC broadcasts described in this section and to support engagement with local educators. Stations described in this subdivision must be able to use the infrastructure provided by the MLC to develop their own local content that best serves their communities.

(f) The MLC shall not use the funds received from Northern Michigan University under this section in support of the MLC for any purposes fully funded by the governor's emergency education relief fund grant.

(2) Not later than February 1, 2021, the MLC shall provide a report to the house and senate appropriations subcommittees responsible for state school aid, the house and senate fiscal agencies, and the state budget director detailing the MLC's compliance with ensuring that conditions listed under subsection (1) were met.

(3) Notwithstanding section 17b, the department shall make payments under this section not later than December 1, 2020.

(4) As used in this section:

(a) "DPTV" means Detroit public television.

(b) "MLC" means the Michigan learning channel.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1698d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1698d.amended Michigan learning channel (MLC); requirements; report.

Sec. 98d. (1) From the state school aid fund money appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $2,000,000.00 to Northern Michigan University to support the MLC as described in this section. Northern Michigan University shall not retain any portion of the funding received under this section for administrative purposes and shall provide funding to support the MLC. All of the following apply to the MLC:

(a) The MLC must be created to help bridge equity gaps in K to 12 education linked to a student's ability to engage in distance learning because of inadequate internet access or a lack of devices in the home.

(b) The MLC shall provide over-the-air broadcasts 24 hours each day for 7 days each week of quality instructional content that is aligned with this state's K to 12 educational standards. Over-the-air broadcasts as described in this subdivision must be streamed live and must be archived for on-demand viewing on a companion website, along with additional learning materials relevant to lessons.

(c) The MLC must be managed and operated by DPTV, and DPTV shall assume all risk, liability, and responsibility for the MLC in accordance with regulations by the United States Federal Communications Commission, PBS broadcast standards, and standard nonprofit business standards. DPTV shall serve as the fiduciary agent and service manager for the MLC. The MLC shall originate from a central operations center that is responsible for providing the infrastructure, content, and engagement of the MLC in partnership with this state's educational leadership organizations.

(d) The MLC shall require that DPTV provide technology, funding, staff training, and central management of the MLC to station partners to insert additional channels into each station's broadcast streams and to

© Courtesy of www.legislature.mi.gov

support staffing and engagement as outlined in a memorandum of understanding among the stations.

(e) The MLC shall require that DPTV partner with at least 5 other Michigan public television stations including, but not limited to, WKAR, WGVU, WDCQ, WCMU, and WNMU, to deliver the over-the-air MLC broadcasts described in this section and to support engagement with local educators. Stations described in this subdivision must be able to use the infrastructure provided by the MLC to develop their own local content that best serves their communities.

(f) The MLC shall not use the funds received from Northern Michigan University under this section in support of the MLC for any purposes fully funded by the governor's emergency education relief fund grant.

(2) Not later than February 1, 2022, the MLC shall provide a report to the house and senate appropriations subcommittees responsible for school aid, the house and senate fiscal agencies, and the state budget director detailing the MLC's compliance with ensuring that conditions listed under subsection (1) were met.

(3) Notwithstanding section 17b, the department shall make payments under this section not later than December 1, 2021.

(4) As used in this section:

(a) "DPTV" means Detroit public television.

(b) "MLC" means the Michigan learning channel.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1699 Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to mathematics and science centers.

388.1699a Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed section pertained to mathematics and science centers.

388.1699b Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to training program for science, technology, engineering, and mathematics (STEM) instruction.

388.1699c Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to allocation for purpose of civic education.

388.1699d Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's note: The repealed section pertained to purchase of automated external defibillators.

388.1699e Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed section pertained to allocation to districts having reduced foundation allowance.

388.1699f, 388.1699g Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's note: The repealed sections pertained to school building security mapping and expansion of school-based crisis intervention project.

****** 388.1699h THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1699h.amended ******

388.1699h FIRST Robotics program; eligibility; work project.

Sec. 99h. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,400,000.00 for 2020-2021 for competitive grants to districts and intermediate districts, and from the general fund money appropriated in section 11, there is allocated $300,000.00 for 2020-2021 for competitive grants to nonpublic schools, that provide pupils in grades pre-K to 12 with expanded opportunities to improve mathematics, science, and technology skills by participating in events hosted by a science and technology development program known as FIRST (for inspiration and recognition of science and technology) Robotics, including JR FIRST Lego League, FIRST Lego League, FIRST Tech challenge, and FIRST Robotics competition, or other competitive robotics programs, including VEX and those hosted by the Robotics Education and Competition (REC) Foundation. Programs funded under this section are intended to increase the number of pupils demonstrating proficiency in science and mathematics on the state assessments and to increase the number of pupils who are college- and career-ready upon high school graduation. Notwithstanding section 17b, the department shall make grant payments to districts, nonpublic schools, and intermediate districts under this section on a schedule determined by the department. The department shall set maximum grant awards for each different level of programming and competition in a manner that both maximizes the number of teams that will be able to receive funds and expands the geographical distribution of

© Courtesy of www.legislature.mi.gov

teams.

(2) A district, nonpublic school, or intermediate district applying for a grant under this section shall submit an application in a form and manner prescribed by the department. To be eligible for a grant, a district, nonpublic school, or intermediate district must demonstrate in its application that the district, nonpublic school, or intermediate district has established a partnership for the purposes of the robotics program with at least 1 sponsor, business entity, higher education institution, or technical school, shall submit a spending plan, and shall provide a local in-kind or cash match from other private or local funds of at least 25% of the cost of the robotics program award.

(3) The department shall distribute the grant funding under this section for the following purposes:

(a) Grants to districts, nonpublic schools, or intermediate districts to pay for stipends not to exceed $1,500.00 per building for coaching.

(b) Grants to districts, nonpublic schools, or intermediate districts for event registrations, materials, travel costs, and other expenses associated with the preparation for and attendance at robotics events and competitions.

(c) Grants to districts, nonpublic schools, or intermediate districts for awards to teams that advance to the next levels of competition as determined by the department. The department shall determine an equal amount per team for those teams that advance.

(4) The funds allocated under this section for 2020-2021 are a work project appropriation, and any unexpended funds for 2020-2021 are carried forward into 2021-2022. The purpose of the work project is to continue support of FIRST Robotics and must not be used to support other robotics competitions. The estimated completion date of the work project is September 30, 2023.

(5) A nonpublic school that receives a grant under this section may use the funds for either robotics or Science Olympiad programs.

(6) To be eligible to receive funds under this section, a nonpublic school must be a nonpublic school registered with the department and must meet all applicable state reporting requirements for nonpublic schools.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1699h, which pertained to FIRST robotics competitions, was repealed by Act 137 of 2007, Imd. Eff. Nov. 8, 2007.

In subsection (1), as amended by Act 58 of 2019, the following phrase "and from the general fund appropriation in section 11, there is allocated an amount not to exceed $300,000.00 for 2019-2020 for competitive grants to nonpublic schools" and the phrase "nonpublic schools," was vetoed by the governor on September 30, 2019.

In subsections (2) and (3)(a), (b), and (c), as amended by Act 58 of 2019, the phrase "nonpublic schools," was vetoed by the governor on September 30, 2019.

Subsections (4) and (5), as amended by Act 58 of 2019, were vetoed by the governor on September 30, 2019.

****** 388.1699h.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699h.amended FIRST Robotics program; eligibility; work project.

Sec. 99h. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,723,200.00 for 2021-2022 for competitive grants to districts and intermediate districts, and from the general fund money appropriated in section 11, there is allocated $600,000.00 for 2021-2022 for competitive grants to nonpublic schools, that provide pupils in grades pre-K to 12 with expanded opportunities to improve mathematics, science, and technology skills by participating in events hosted by a science and technology development program known as FIRST (for inspiration and recognition of science and technology) Robotics, including JR FIRST Lego League, FIRST Lego League, FIRST Tech challenge, and FIRST Robotics competition, or other competitive robotics programs, including VEX, Square One, and those hosted by the Robotics Education and Competition (REC) Foundation. Programs funded under this section are intended to increase the number of pupils demonstrating proficiency in science and mathematics on the state assessments and to increase the number of pupils who are college- and career-ready upon high school graduation. Notwithstanding section 17b, the department shall make grant payments to districts, nonpublic schools, and intermediate districts under this section on a schedule determined by the department. The department shall set maximum grant awards for each different level of programming and competition in a manner that both maximizes the number of teams that will be able to receive funds and expands the geographical distribution of teams.

(2) A district, nonpublic school, or intermediate district applying for a grant under this section shall submit

© Courtesy of www.legislature.mi.gov

an application in a form and manner prescribed by the department. To be eligible for a grant, a district, nonpublic school, or intermediate district must demonstrate in its application that the district, nonpublic school, or intermediate district has established a partnership for the purposes of the robotics program with at least 1 sponsor, business entity, higher education institution, or technical school, shall submit a spending plan, and shall provide a local in-kind or cash match from other private or local funds of at least 25% of the cost of the robotics program award.

(3) The department shall distribute the grant funding under this section for the following purposes:

(a) Grants to districts, nonpublic schools, or intermediate districts to pay for stipends not to exceed $1,500.00 per building for coaching.

(b) Grants to districts, nonpublic schools, or intermediate districts for event registrations, materials, travel costs, and other expenses associated with the preparation for and attendance at robotics events and competitions.

(c) Grants to districts, nonpublic schools, or intermediate districts for awards to teams that advance to the next levels of competition as determined by the department. The department shall determine an equal amount per team for those teams that advance.

(4) The funds allocated under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 are carried forward into 2022-2023. The purpose of the work project is to continue support of FIRST Robotics and must not be used to support other robotics competitions. The estimated completion date of the work project is September 30, 2023.

(5) A nonpublic school that receives a grant under this section may use the funds for either robotics or Science Olympiad programs.

(6) To be eligible to receive funds under this section, a nonpublic school must be a nonpublic school registered with the department and must meet all applicable state reporting requirements for nonpublic schools.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014 ;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1699h, which pertained to FIRST robotics competitions, was repealed by Act 137 of 2007, Imd. Eff. Nov. 8, 2007.

In subsection (1), as amended by Act 58 of 2019, the following phrase "and from the general fund appropriation in section 11, there is allocated an amount not to exceed $300,000.00 for 2019-2020 for competitive grants to nonpublic schools" and the phrase "nonpublic schools," was vetoed by the governor on September 30, 2019.

In subsections (2) and (3)(a), (b), and (c), as amended by Act 58 of 2019, the phrase "nonpublic schools," was vetoed by the governor on September 30, 2019.

Subsections (4) and (5), as amended by Act 58 of 2019, were vetoed by the governor on September 30, 2019.

****** 388.1699i THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1699i.amended ******

388.1699i Allocation for Michigan council of women in technology foundation and girls-exploring-together-information-technology clubs.

Sec. 99i. From the general fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $150,000.00 to support the Michigan council of women in technology foundation. The funds awarded under this section must be used to support the girls-exploring-together-information-technology clubs for middle and high school girls that provide structured hands-on learning activities through a comprehensive technology-focused curriculum.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1699i, which pertained to allocation to expand school-based crisis intervention project, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

****** 388.1699i.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699i.amended Allocation for Michigan council of women in technology foundation and girls-exploring-together-information-technology clubs.

Sec. 99i. From the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $150,000.00 to support the Michigan council of women in technology foundation. The funds awarded under this section must be used to support the girls-exploring-together-information-technology clubs for middle and high school girls that provide structured hands-on learning activities through a

© Courtesy of www.legislature.mi.gov

comprehensive technology-focused curriculum.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1699i, which pertained to allocation to expand school-based crisis intervention project, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

388.1699j, 388.1699k Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed sections pertained to allocations to certain pilot projects and allocations to districts financing operating deficits.

388.1699k Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: The repealed section pertained to cybersecurity competitive events.

388.1699n Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: The repealed section pertained to districts entering coooperative arrangements with community colleges.

388.1699p Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed section pertained to cultural, art, or music resources.

388.1699r Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: The repealed section pertained to MiSTEM network.

****** 388.1699s THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1699s.amended ******

388.1699s MiSTEM programs; MiSTEM advisory council; MiSTEM network regions; funding; duties; audit; report on performance measures; definitions; allocation for certain department executives; definitions.

Sec. 99s. (1) From the funds appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $7,634,300.00 from the state school aid fund appropriation and an amount not to exceed $300,000.00 from the general fund appropriation for Michigan science, technology, engineering, and mathematics (MiSTEM) programs. In addition, from the federal funds appropriated in section 11, there is allocated to the department for 2020-2021 an amount estimated at $235,000.00 from DED-OESE, title II, mathematics and science partnership grants. The MiSTEM network may receive funds from private sources. If the MiSTEM network receives funds from private sources, the MiSTEM network shall expend those funds in alignment with the statewide STEM strategy. Programs funded under this section are intended to increase the number of pupils demonstrating proficiency in science and mathematics on the state assessments, to increase the number of pupils who are college- and career-ready upon high school graduation, and to promote certificate and degree attainment in STEM fields. Notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.

(2) All of the following apply to the MiSTEM advisory council:

(a) The MiSTEM advisory council is created. The MiSTEM advisory council shall provide to the governor, legislature, department of labor and economic opportunity, and department recommendations designed to improve and promote innovation in STEM education and to prepare students for careers in science, technology, engineering, and mathematics.

(b) The MiSTEM advisory council created under subdivision (a) consists of the following members:

(*i*) The governor shall appoint 11 voting members who are representative of business sectors that are important to Michigan's economy and rely on a STEM-educated workforce, nonprofit organizations and associations that promote STEM education, K-12 and postsecondary education entities involved in STEM-related career education, or other sectors as considered appropriate by the governor. Each of these members serves at the pleasure of the governor and for a term determined by the governor.

(*ii*) The senate majority leader shall appoint 2 members of the senate to serve as nonvoting, ex-officio members of the MiSTEM advisory council, including 1 majority party member and 1 minority party member.

(*iii*) The speaker of the house of representatives shall appoint 2 members of the house of representatives to serve as nonvoting, ex-officio members of the MiSTEM advisory council, including 1 majority party member and 1 minority party member.

(*iv*) The governor shall appoint 1 state officer or employee to serve as a nonvoting, ex-officio member of the MiSTEM advisory council.

(c) Each member of the MiSTEM advisory council serves without compensation.

(d) The MiSTEM advisory council annually shall review and make recommendations to the governor, the

© Courtesy of www.legislature.mi.gov

legislature, and the department concerning changes to the statewide strategy adopted by the council for delivering STEM education-related opportunities to pupils. The MiSTEM advisory council shall use funds received under this subsection to ensure that its members or their designees are trained in the Change the Equation STEMworks rating system program for the purpose of rating STEM programs.

(3) The MiSTEM advisory council shall make specific funding recommendations for the funds allocated under subsection (4) by December 15 of each fiscal year. Each specific funding recommendation must be for a program approved by the MiSTEM advisory council. All of the following apply:

(a) To be eligible for MiSTEM advisory council approval as described in this subsection, a program must satisfy all of the following:

(*i*) Align with this state's academic standards.

(*ii*) Have STEMworks certification.

(*iii*) Provide project-based experiential learning, student programming, or educator professional learning experiences.

(*iv*) Focus predominantly on classroom-based STEM experiences or professional learning experiences.

(b) The MiSTEM advisory council shall approve programs that represent all network regions and include a diverse array of options for students and educators and at least 1 program in each of the following areas:

(*i*) Robotics.

(*ii*) Computer science or coding.

(*iii*) Engineering or bioscience.

(c) The MiSTEM advisory council is encouraged to work with the MiSTEM network to develop locally and regionally developed programs and professional learning experiences for the programs on the list of approved programs.

(d) If the MiSTEM advisory council is unable to make specific funding recommendations by December 15 of a fiscal year, the department shall award and distribute the funds allocated under subsection (4) on a competitive grant basis that at least follows the statewide STEM strategy plan and rating system recommended by the MiSTEM advisory council. Each grant must provide STEM education-related opportunities for pupils.

(e) The MiSTEM advisory council shall work with the executive director of the MiSTEM network to implement the statewide STEM strategy adopted by the MiSTEM advisory council.

(4) From the state school aid fund money allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $3,050,000.00 for the purpose of funding programs under this section for 2020-2021 as recommended by the MiSTEM advisory council.

(5) From the state school aid fund money allocated under subsection (1), there is allocated an amount not to exceed $3,834,300.00 for 2020-2021 to support the activities and programs of the MiSTEM network regions. In addition, from the federal funds allocated under subsection (1), there is allocated for 2020-2021 an amount estimated at $235,000.00 from DED-OESE, title II, mathematics and science partnership grants, for the purposes of this subsection. From the money allocated under this subsection, the department shall award the fiscal agent for each MiSTEM network region $200,000.00 for the base operations of each region. The department shall distribute the remaining funds to each fiscal agent in an equal amount per pupil, based on the number of K to 12 pupils enrolled in districts within each region in the immediately preceding fiscal year.

(6) A MiSTEM network region shall do all of the following:

(a) Collaborate with the career and educational advisory council that is located in the MiSTEM region to develop a regional strategic plan for STEM education that creates a robust regional STEM culture, that empowers STEM teachers, that integrates business and education into the STEM network, and that ensures high-quality STEM experiences for pupils. At a minimum, a regional STEM strategic plan should do all of the following:

(*i*) Identify regional employer need for STEM.

(*ii*) Identify processes for regional employers and educators to create guided pathways for STEM careers that include internships or externships, apprenticeships, and other experiential engagements for pupils.

(*iii*) Identify educator professional development opportunities, including internships or externships and apprenticeships, that integrate this state's science standards into high-quality STEM experiences that engage pupils.

(b) Facilitate regional STEM events such as educator and employer networking and STEM career fairs to raise STEM awareness.

(c) Contribute to the MiSTEM website and engage in other MiSTEM network functions to further the mission of STEM in this state in coordination with the MiSTEM advisory council and its executive director.

(d) Facilitate application and implementation of state and federal funds under this subsection and any other grants or funds for the MiSTEM network region.

© Courtesy of www.legislature.mi.gov

(e) Work with districts to provide STEM programming and professional learning.

(f) Coordinate recurring discussions and work with the career and educational advisory council to ensure that feedback and best practices are being shared, including funding, program, professional learning opportunities, and regional strategic plans.

(7) From the state school aid fund money allocated under subsection (1), the department shall distribute for 2020-2021 an amount not to exceed $750,000.00, in a form and manner determined by the department, to those network regions able to provide curriculum and professional development support to assist districts in implementing the Michigan merit curriculum components for mathematics and science.

(8) In order to receive state or federal funds under subsection (5) or (7), or to receive funds from private sources as authorized under subsection (1), a grant recipient must allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The grant recipient shall reimburse the state for all disallowances found in the audit.

(9) In order to receive state funds under subsection (5) or (7), a grant recipient must provide at least a 10% local match from local public or private resources for the funds received under this subsection.

(10) Not later than July 1 of each year, a MiSTEM network region that receives funds under subsection (5) shall report to the executive director of the MiSTEM network in a form and manner prescribed by the executive director on performance measures developed by the MiSTEM network regions and approved by the executive director. The performance measures must be designed to ensure that the activities of the MiSTEM network are improving student academic outcomes.

(11) Not more than 5% of a MiSTEM network region grant under subsection (5) or (7) may be retained by a fiscal agent for serving as the fiscal agent of a MiSTEM network region.

(12) From the general fund money allocated under subsection (1), there is allocated an amount not to exceed $300,000.00 to the department of labor and economic opportunity to support the functions of the executive director and executive assistant for the MiSTEM network, and for administrative, training, and travel costs related to the MiSTEM advisory council. The executive director and executive assistant for the MiSTEM network shall do all of the following:

(a) Serve as a liaison among and between the department, the department of labor and economic opportunity, the MiSTEM advisory council, the governor's future talent council, the MiSTEM regions, and any other relevant organization or entity in a manner that creates a robust statewide STEM culture, that empowers STEM teachers, that integrates business and education into the STEM network, and that ensures high-quality STEM experiences for pupils.

(b) Coordinate the implementation of a marketing campaign, including, but not limited to, a website that includes dashboards of outcomes, to build STEM awareness and communicate STEM needs and opportunities to pupils, parents, educators, and the business community.

(c) Work with the department and the MiSTEM advisory council to coordinate, award, and monitor MiSTEM state and federal grants to the MiSTEM network regions and conduct reviews of grant recipients, including, but not limited to, pupil experience and feedback.

(d) Report to the governor, the legislature, the department, and the MiSTEM advisory council annually on the activities and performance of the MiSTEM network regions.

(e) Coordinate recurring discussions and work with regional staff to ensure that a network or loop of feedback and best practices are shared, including funding, programming, professional learning opportunities, discussion of MiSTEM strategic vision, and regional objectives.

(f) Coordinate major grant application efforts with the MiSTEM advisory council to assist regional staff with grant applications on a local level. The MiSTEM advisory council shall leverage private and nonprofit relationships to coordinate and align private funds in addition to funds appropriated under this section.

(g) Train state and regional staff in the STEMworks rating system, in collaboration with the MiSTEM advisory council and the department.

(h) Hire MiSTEM network region staff in collaboration with the network region fiscal agent.

(13) As used in this section:

(a) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a prosperity region consisting of educational, employer, labor, and parent representatives.

(b) "DED" means the United States Department of Education.

(c) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(d) "STEM" means science, technology, engineering, and mathematics delivered in an integrated fashion using cross-disciplinary learning experiences that can include language arts, performing and fine arts, and career and technical education.

© Courtesy of www.legislature.mi.gov

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the transfer of powers and duties of the MiSTEM advisory council from the department of technology, management, and budget to the department of labor and economic opportunity, abolishment of the MiSTEM advisory council and the positions of executive director and executive assistant for the MISTEM network, and creation of the MI-STEM Council within the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

****** 388.1699s.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699s.amended MiSTEM programs; MiSTEM council; MiSTEM network regions; funding; duties; audit; report on performance measures; definitions; allocation for certain department executives; definitions.

Sec. 99s. (1) From the funds appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $7,634,300.00 from the state school aid fund appropriation and an amount not to exceed $300,000.00 from the general fund appropriation for Michigan science, technology, engineering, and mathematics (MiSTEM) programs. In addition, from the federal funds appropriated in section 11, there is allocated to the department for 2021-2022 an amount estimated at $235,000.00 from DED-OESE, title II, mathematics and science partnership grants. The MiSTEM network may receive funds from private sources. If the MiSTEM network receives funds from private sources, the MiSTEM network shall expend those funds in alignment with the statewide STEM strategy. Programs funded under this section are intended to increase the number of pupils demonstrating proficiency in science and mathematics on the state assessments, to increase the number of pupils who are college- and career-ready upon high school graduation, and to promote certificate and degree attainment in STEM fields. Notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.

(2) The MiSTEM council annually shall review and make recommendations to the governor, the legislature, and the department concerning changes to the statewide strategy adopted by the council for delivering STEM education-related opportunities to pupils. The MiSTEM council shall use funds received under this subsection to ensure that its members or their designees are trained in the Change the Equation STEMworks rating system program for the purpose of rating STEM programs.

(3) The MiSTEM council shall make specific funding recommendations for the funds allocated under subsection (4) by December 15 of each fiscal year. Each specific funding recommendation must be for a program approved by the MiSTEM council. All of the following apply:

(a) To be eligible for MiSTEM council approval as described in this subsection, a program must satisfy all of the following:

(*i*) Align with this state's academic standards.

(*ii*) Have STEMworks certification.

(*iii*) Provide project-based experiential learning, student programming, or educator professional learning experiences.

(*iv*) Focus predominantly on classroom-based STEM experiences or professional learning experiences.

(b) The MiSTEM council shall approve programs that represent all network regions and include a diverse array of options for students and educators and at least 1 program in each of the following areas:

(*i*) Robotics.

(*ii*) Computer science or coding.

(*iii*) Engineering or bioscience.

(c) The MiSTEM council is encouraged to work with the MiSTEM network to develop locally and regionally developed programs and professional learning experiences for the programs on the list of approved programs.

(d) If the MiSTEM council is unable to make specific funding recommendations by December 15 of a fiscal year, the department shall award and distribute the funds allocated under subsection (4) on a competitive grant basis that at least follows the statewide STEM strategy plan and rating system recommended by the MiSTEM council. Each grant must provide STEM education-related opportunities for pupils.

(e) The MiSTEM council shall work with the department of labor and economic opportunity to implement the statewide STEM strategy adopted by the MiSTEM council.

(4) Except as otherwise provided in this subsection, from the state school aid fund money allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $3,050,000.00 for the purpose of funding programs under this section for 2021-2022 as recommended by the MiSTEM council. However, from the allocation under this subsection, the MiSTEM council shall recommend and the department shall award $350,000.00 in grants to intermediate districts to implement fabrication laboratories (Fab Labs). The

© Courtesy of www.legislature.mi.gov

MiSTEM council shall recommend and the department shall only award 10 grants described in the immediately preceding sentence in an amount not to exceed $35,000.00 each.

(5) From the state school aid fund money allocated under subsection (1), there is allocated an amount not to exceed $3,834,300.00 for 2021-2022 to support the activities and programs of the MiSTEM network regions. In addition, from the federal funds allocated under subsection (1), there is allocated for 2021-2022 an amount estimated at $235,000.00 from DED-OESE, title II, mathematics and science partnership grants, for the purposes of this subsection. From the money allocated under this subsection, the department shall award the fiscal agent for each MiSTEM network region $200,000.00 for the base operations of each region. The department shall distribute the remaining funds to each fiscal agent in an equal amount per pupil, based on the number of K to 12 pupils enrolled in districts within each region in the immediately preceding fiscal year.

(6) A MiSTEM network region shall do all of the following:

(a) Collaborate with the career and educational advisory council that is located in the MiSTEM region to develop a regional strategic plan for STEM education that creates a robust regional STEM culture, that empowers STEM teachers, that integrates business and education into the STEM network, and that ensures high-quality STEM experiences for pupils. At a minimum, a regional STEM strategic plan should do all of the following:

(*i*) Identify regional employer need for STEM.

(*ii*) Identify processes for regional employers and educators to create guided pathways for STEM careers that include internships or externships, apprenticeships, and other experiential engagements for pupils.

(*iii*) Identify educator professional learning opportunities, including internships or externships and apprenticeships, that integrate this state's science standards into high-quality STEM experiences that engage pupils.

(b) Facilitate regional STEM events such as educator and employer networking and STEM career fairs to raise STEM awareness.

(c) Contribute to the MiSTEM website and engage in other MiSTEM network functions to further the mission of STEM in this state in coordination with the MiSTEM council and the department of labor and economic opportunity.

(d) Facilitate application and implementation of state and federal funds under this subsection and any other grants or funds for the MiSTEM network region.

(e) Work with districts to provide STEM programming and professional learning.

(f) Coordinate recurring discussions and work with the career and educational advisory council to ensure that feedback and best practices are being shared, including funding, program, professional learning opportunities, and regional strategic plans.

(7) From the state school aid fund money allocated under subsection (1), the department shall distribute for 2021-2022 an amount not to exceed $750,000.00, in a form and manner determined by the department, to those network regions able to further the statewide STEM strategy recommended by the MiSTEM council.

(8) In order to receive state or federal funds under subsection (5) or (7), or to receive funds from private sources as authorized under subsection (1), a grant recipient must allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The grant recipient shall reimburse the state for all disallowances found in the audit.

(9) In order to receive state funds under subsection (5) or (7), a grant recipient must provide at least a 10% local match from local public or private resources for the funds received under this subsection.

(10) Not later than July 1 of each year, a MiSTEM network region that receives funds under subsection (5) shall report to the executive director of the MiSTEM network in a form and manner prescribed by the executive director on performance measures developed by the MiSTEM network regions and approved by the executive director. The performance measures must be designed to ensure that the activities of the MiSTEM network are improving student academic outcomes.

(11) Not more than 5% of a MiSTEM network region grant under subsection (5) or (7) may be retained by a fiscal agent for serving as the fiscal agent of a MiSTEM network region.

(12) From the general fund money allocated under subsection (1), there is allocated an amount not to exceed $300,000.00 to the department of labor and economic opportunity to support the staff for the MiSTEM network, and for administrative, training, and travel costs related to the MiSTEM council. The staff for the MiSTEM network shall do all of the following:

(a) Serve as a liaison among and between the department, the department of labor and economic opportunity, the MiSTEM council, the governor's workforce development board, the MiSTEM regions, and any other relevant organization or entity in a manner that creates a robust statewide STEM culture, that empowers STEM teachers, that integrates business and education into the STEM network, and that ensures high-quality STEM experiences for pupils.

© Courtesy of www.legislature.mi.gov

(b) Coordinate the implementation of a marketing campaign, including, but not limited to, a website that includes dashboards of outcomes, to build STEM awareness and communicate STEM needs and opportunities to pupils, parents, educators, and the business community.

(c) Work with the department and the MiSTEM council to coordinate, award, and monitor MiSTEM state and federal grants to the MiSTEM network regions and conduct reviews of grant recipients, including, but not limited to, pupil experience and feedback.

(d) Report to the governor, the legislature, the department, and the MiSTEM council annually on the activities and performance of the MiSTEM network regions.

(e) Coordinate recurring discussions and work with regional staff to ensure that a network or loop of feedback and best practices are shared, including funding, programming, professional learning opportunities, discussion of MiSTEM strategic vision, and regional objectives.

(f) Coordinate major grant application efforts with the MiSTEM council to assist regional staff with grant applications on a local level. The MiSTEM council shall leverage private and nonprofit relationships to coordinate and align private funds in addition to funds appropriated under this section.

(g) Train state and regional staff in the STEMworks rating system, in collaboration with the MiSTEM council and the department.

(h) Hire MiSTEM network region staff in collaboration with the network region fiscal agent.

(13) As used in this section:

(a) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a prosperity region consisting of educational, employer, labor, and parent representatives.

(b) "DED" means the United States Department of Education.

(c) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(d) "MiSTEM Council" means the Michigan Science, Technology, Engineering, and Mathematics Education Advisory Council created as an advisory body within the department of labor and economic opportunity by Executive Reorganization Order No. 2019-3, MCL 125.1998.

(e) "STEM" means science, technology, engineering, and mathematics delivered in an integrated fashion using cross-disciplinary learning experiences that can include language arts, performing and fine arts, and career and technical education.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: For the transfer of powers and duties of the MiSTEM advisory council from the department of technology, management, and budget to the department of labor and economic opportunity, abolishment of the MiSTEM advisory council and the positions of executive director and executive assistant for the MISTEM network, and creation of the MI-STEM Council within the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

****** 388.1699t THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1699t.amended ******

388.1699t Online algebra tool; requirements.

Sec. 99t. (1) From the general fund appropriation under section 11, there is allocated an amount not to exceed $1,000,000.00 for 2020-2021 to purchase statewide access to an online algebra tool that meets all of the following:

(a) Provides students statewide with complete access to videos aligned with state standards including study guides and workbooks that are aligned with the videos.

(b) Provides students statewide with access to a personalized online algebra learning tool including adaptive diagnostics.

(c) Provides students statewide with dynamic algebra practice assessments that emulate the state assessment with immediate feedback and help solving problems.

(d) Provides students statewide with online access to algebra help 24 hours a day and 7 days a week from study experts, teachers, and peers on a moderated social networking platform.

(e) Provides an online algebra professional development network for teachers.

(f) Is already provided under a statewide contract in at least 1 other state that has a population of at least 18,000,000 but not more than 19,000,000 according to the most recent decennial census and is offered in that state in partnership with a public university.

(2) The department shall purchase the online algebra tool that was chosen under this section in 2016-2017.

(3) A grantee receiving funding under this section shall comply with the requirements of section 19b.

© Courtesy of www.legislature.mi.gov

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1699t.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699t.amended Online algebra tool; requirements.

Sec. 99t. (1) From the general fund appropriation under section 11, there is allocated an amount not to exceed $2,000,000.00 for 2021-2022 to purchase statewide access to an online algebra tool that meets all of the following:

(a) Provides students statewide with complete access to videos aligned with state standards including study guides and workbooks that are aligned with the videos.

(b) Provides students statewide with access to a personalized online algebra learning tool including adaptive diagnostics.

(c) Provides students statewide with dynamic algebra practice assessments that emulate the state assessment with immediate feedback and help solving problems.

(d) Provides students statewide with online access to algebra help 24 hours a day and 7 days a week from study experts, teachers, and peers on a moderated social networking platform.

(e) Provides an online algebra professional development network for teachers.

(f) Is already provided under a statewide contract in at least 1 other state that has a population of at least 18,000,000 but not more than 19,000,000 according to the most recent decennial census and is offered in that state in partnership with a public university.

(2) The department shall purchase the online algebra tool that was chosen under this section in 2016-2017.

(3) A grantee receiving funding under this section shall comply with the requirements of section 19b.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1699u THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1699u.amended ******

388.1699u Online mathematics tool; targeted literacy instruction program.

Sec. 99u. (1) From the general fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $1,500,000.00 to a provider that is a provider of both of the following:

(a) An online mathematics tool that meets all of the following:

(*i*) Provides students statewide with complete access to mathematics support aligned with state standards through a program that has all of the following elements:

(A) Student motivation.

(B) Valid and reliable assessments.

(C) Personalized learning pathways.

(D) Highly qualified, live teachers available all day and all year.

(E) Twenty-four-hour reporting.

(F) Content built for rigorous mathematics.

(*ii*) Has a record of improving student mathematics scores in at least 5 other states.

(*iii*) Received funding under this section in 2017-2018.

(b) A program that provides explicit, targeted literacy instruction within an individualized learning path that continually adjusts to a pupil's needs. A program described in this subdivision that is funded under this subsection must be funded through a grant to a provider described in this subsection that also promotes literacy through the teaching of critical language and literacy concepts, such as reading and listening comprehension, basic vocabulary, academic language, grammar, phonological awareness, phonics, and fluency.

(2) A grantee that receives funding under this section shall comply with the requirements of section 19b.

(3) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2020.

History: Add. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1699u.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699u.amended Online mathematics tool; targeted literacy instruction program.

© Courtesy of www.legislature.mi.gov

Sec. 99u. (1) From the general fund money appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $6,000,000.00 to a provider that is a provider of both of the following:

(a) An online mathematics tool that meets all of the following:

(*i*) Provides students statewide with complete access to mathematics support aligned with state standards through a program that has all of the following elements:

(A) Student motivation.

(B) Valid and reliable assessments.

(C) Personalized learning pathways.

(D) Highly qualified, live teachers available all day and all year.

(E) Twenty-four-hour reporting.

(F) Content built for rigorous mathematics.

(*ii*) Has a record of improving student mathematics scores in at least 5 other states.

(*iii*) Received funding under this section in 2017-2018.

(b) A program that provides explicit, targeted literacy instruction within an individualized learning path that continually adjusts to a pupil's needs. A program described in this subdivision that is funded under this subsection must be funded through a grant to a provider described in this subsection that also promotes literacy through the teaching of critical language and literacy concepts, such as reading and listening comprehension, basic vocabulary, academic language, grammar, phonological awareness, phonics, and fluency.

(2) A grantee that receives funding under this section shall comply with the requirements of section 19b.

(3) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2021.

History: Add. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1699v Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to grants for seamless transitions.

****** 388.1699w THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1699w.amended ******

388.1699w Michigan Fitness Foundation; physical education curriculum.

Sec. 99w. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $400,000.00 for 2020-2021 to facilitate a culture of health and physical activity as part of daily life. Funding under this section must be a grant to the Michigan Fitness Foundation to work with the department to invest in a physical education curriculum. Funding under this section may support staff, evaluation, assessment, technology, meetings, training, travel, materials, and other administrative expenses in support of an updated physical education curriculum. Funding under this section may be used as matching dollars to qualify for federal and private resources to support physical education.

(2) An entity that received funding under this section for 2018-2019 may expend those funds through September 30, 2021.

(3) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2020.

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020.

****** 388.1699w.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699w.amended Michigan Fitness Foundation; physical education curriculum.

Sec. 99w. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $400,000.00 for 2021-2022 to facilitate a culture of health and physical activity as part of daily life. Funding under this section must be a grant to the Michigan Fitness Foundation to work with the department to invest in a physical education curriculum. Funding under this section may support staff, evaluation, assessment, technology, meetings, training, travel, materials, and other administrative expenses in support of an updated physical education curriculum. Funding under this section may be used as matching dollars to qualify for federal and private resources to support physical education.

(2) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2021.

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020;—Am. 2021, Act 48, Eff. Oct.

© Courtesy of www.legislature.mi.gov

1, 2021.

****** 388.1699x THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1699x.amended ******

388.1699x Teach for America; summer training, recruitment, and retention.

Sec. 99x. (1) From the general fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $1,000,000.00 for Teach for America to host a summer training institute in the city of Detroit, recruit teachers into a master teacher fellowship, and retain a committed alumni community. A program funded under this section must provide coaching and professional development, with the goal to produce highly effective teachers that move pupils beyond their growth benchmarks.

(2) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2020.

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1699x.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699x.amended Teach for America; summer training, recruitment, and retention.

Sec. 99x. (1) From the general fund money appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $1,000,000.00 for Teach for America to host a summer training institute in the city of Detroit, recruit teachers into a master teacher fellowship, and retain a committed alumni community. A program funded under this section must provide coaching and professional development, with the goal to produce highly effective teachers that move pupils beyond their growth benchmarks.

(2) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2021.

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021
.

388.1699y Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to funding for a STEM and entrepreneurship pilot program.

388.1699z Payments to eligible districts for eligible teachers; work project.

Sec. 99z. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $5,000,000.00 for 2020-2021 for payments to eligible districts described in subsection (3) to be used in the manner described in subsection (4).

(2) A district seeking funding under this section shall apply for the funding in a form and manner prescribed by the department.

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

(a) In its application described in subsection (2), the district confirms its approval of a department-generated list that includes the full name and personnel identification code for each eligible teacher employed by the district in an assignment as described in subsection (8)(b)(*i*) and (*ii*) to whom it will provide a payment under subsection (4) with the funding received under this section.

(b) The district agrees to provide to each eligible teacher whose name is included on the list described in subdivision (a) a payment of $500.00, in addition to the payment it will provide those eligible teachers under subsection (4).

(c) The district agrees to pay each eligible teacher the payment described in subdivision (b) and subsection (4) by not later than 45 days after receiving the disbursement of funds under this section from the department.

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

(a) If the eligible district is a district in which at least 70% of the pupils in membership in the district for the immediately preceding fiscal year were economically disadvantaged, to provide a payment of $1,000.00 to each eligible teacher whose name is included on the list described in subsection (3)(a).

(b) If the eligible district is not a district described in subdivision (a), to provide a payment of $500.00 to each eligible teacher whose name is included on the list described in subsection (3)(a).

(5) It is the intent of the legislature to provide for funding so that an eligible teacher who receives a payment under this section from the district to which he or she is assigned as described in this section receives payments under this section through that eligible teacher's third year of teaching at that district if that teacher remains continuously employed full-time at that district during those 3 years. For purposes of this subsection, an eligible teacher is considered continuously employed at a district during a period for which he or she is on approved medical, parental, or military leave.

© Courtesy of www.legislature.mi.gov

(6) The funds allocated under this section for 2020-2021 are a work project appropriation, and any unexpended funds for 2020-2021 are carried forward into 2021-2022. The purpose of the work project is to continue providing payments to eligible teachers as described in this section. The estimated completion date of the work project is September 30, 2023.

(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) "Economically disadvantaged" means that term as defined in section 31a.

(b) "Eligible teacher" means an individual who meets all of the following:

(*i*) Is assigned a teacher assignment code in the registry of educational personnel for the first time in the 2020-2021 school year.

(*ii*) Is assigned to a district in the registry of educational personnel in the 2020-2021 school year.

(*iii*) Has completed a full school year as a full-time teacher at the district to which he or she is assigned as described in subparagraph (*ii*) or, through a cooperative agreement, at multiple districts.

(*iv*) Holds a valid Michigan teaching certificate or holds a full-year permit.

(*v*) Is employed by the district or districts described in subparagraph (*iii*) on or before November 1, 2020.

(*vi*) Has not been subject to any recorded disciplinary action during the school year.

(c) "Registry of educational personnel" means the data collected biannually by the center on June 30 and the first business day of December.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1699aa.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699aa.added Project SEARCH; high school students with disabilities.

Sec. 99aa. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,500,000.00 for 2021-2022 to 1 eligible intermediate district to provide opportunities for high school students with disabilities to train for, gain, and maintain competitive employment.

(2) An intermediate district that has partnered with Project SEARCH to provide the opportunities described in subsection (1) is an eligible intermediate district under this section.

(3) The funds allocated under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 are carried forward into 2022-2023. The purpose of the work project is to provide for the continuation of opportunities for high school students with disabilities as described in subsection (1). The estimated completion date of the work project is September 30, 2023.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1699bb.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1699bb.added YMCA youth in government grants.

Sec. 99bb. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $3,750,000.00 for 2021-2022 to the State Alliance of Michigan YMCAs for competitive grants to eligible districts, intermediate districts, and nonpublic schools to provide students in grades 6 to 12 with hands-on civics and model-government programs that offer statewide engagement with peers across this state for the purpose of expanding those students' opportunities to improve their social studies knowledge, thinking skills, and intellectual processes and dispositions required for active engagement in fulfilling responsibilities of civic participation.

(2) In making grant payments to eligible districts, intermediate districts, and nonpublic schools under this section, the State Alliance of Michigan YMCAs shall set a maximum grant award for each grant recipient in a manner that accomplishes both of the following:

(a) Maximizes the geographical distribution of grant recipients that will be able to participate in offering programs described in this section.

(b) Prioritizes funding levels for grant recipients based on geographic location, with consideration given to the travel that will be required of grant recipients for statewide events and conferences.

(3) Maximum grant award amounts under subsection (2) do not have to be the same for all grant recipients.

(4) To receive a grant award under this section, a district, intermediate district, or nonpublic school must submit an application for the grant award in a form and manner prescribed by the State Alliance of Michigan YMCAs.

(5) A district, intermediate district, or nonpublic school to which all of the following apply is an eligible district, intermediate district, or nonpublic school under this section:

© Courtesy of www.legislature.mi.gov

(a) Has established a relationship with at least 1 elected official who serves the community in which the district, intermediate district, or nonpublic school is located.

(b) Submits a spending plan with its application for a grant award under this section.

(c) Pledges to provide a local in-kind or cash match from other private or local funds of at least 10% of the grant award it receives under this section.

(d) For a nonpublic school, is registered as a nonpublic school with the department and must meet all applicable state reporting requirements for nonpublic schools.

(6) An eligible district, intermediate district, or nonpublic school that receives a grant award under this section shall only use the funding for the following purposes:

(a) To pay Civic Health Champion stipends for up to 1 teacher advisor per school operated by the district, intermediate district, or nonpublic school. Each stipend to a teacher advisor under this subdivision must not be in an amount exceeding $1,500.00.

(b) Event registrations, materials, travel costs, and other expenses associated with the preparation for and attendance to associated mock-government conferences and events.

(c) Awards to students who advance to national mock government events and competitions, as determined by the State Alliance of Michigan YMCAs. For the purpose of determining the amount of an award under this subdivision to a student described in this subdivision, the State Alliance of Michigan YMCAs shall determine an equal amount per student for each eligible district, intermediate district, or nonpublic school.

(7) The funds allocated under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 are carried forward to 2022-2023. The purpose of the work project is to continue the support of civics-education experiences. The estimated completion date of the work project is September 30, 2023.

(8) It is the intent of the legislature that programs implemented from the funding allocated under this section increase the number of students who engage with the pillars of responsible citizenship and engage, beyond the classroom, in civic perspectives, inquiry, public discourse, and decision making.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

***** *388.1701 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1701.amended* *****

388.1701 Eligibility to receive state aid; submission of number of pupils enrolled and in regular daily attendance; certification of data; noncompliance; withholding state aid; pupil instruction; minimum number of hours or days; requirements; guidelines; waiver; counting number of hours of qualifying teacher professional development; subsections (3) and (8) inapplicable to cyber school or dropout recovery program; "eligible pupil" defined; review of waiver standards; subsection (3) waiver for pandemic learning; "pandemic learning" defined.

Sec. 101. (1) To be eligible to receive state aid under this article, not later than the fifth Wednesday after the pupil membership count day and not later than the fifth Wednesday after the supplemental count day, each district superintendent shall submit and certify to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance, or, for 2020-2021 only, the number of pupils engaged in pandemic learning for fall 2020 or the number of pupils engaged in pandemic learning for spring 2021, as applicable, or, for a district that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, the number of pupils enrolled and in regular daily attendance, including identification of tuition-paying pupils, in the district as of the pupil membership count day and as of the supplemental count day, as applicable, for the current school year. In addition, a district maintaining school during the entire year shall submit and certify to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance in the district or, for 2020-2021 only, the number of pupils engaged in pandemic learning for fall 2020 or the number of pupils engaged in pandemic learning for spring 2021, as applicable, or, for a district that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, the number of pupils enrolled and in regular daily attendance, for the current school year pursuant to rules promulgated by the superintendent. Not later than the sixth Wednesday after the pupil membership count day and not later than the sixth Wednesday after the supplemental count day, the district shall resolve any pupil membership conflicts with another district, correct any data issues, and recertify the data in a form and manner prescribed by the center and file the certified data with the intermediate superintendent. If a district fails to submit and certify the attendance data, as required under this subsection, the center shall notify the department and the department shall withhold state aid due to be

© Courtesy of www.legislature.mi.gov

distributed under this article from the defaulting district immediately, beginning with the next payment after the failure and continuing with each payment until the district complies with this subsection. If a district does not comply with this subsection by the end of the fiscal year, the district forfeits the amount withheld. A person who willfully falsifies a figure or statement in the certified and sworn copy of enrollment is subject to penalty as prescribed by section 161. As used in this subsection, "pupils engaged in pandemic learning for spring 2021" means that term as defined in section 6a.

(2) To be eligible to receive state aid under this article, not later than the twenty-fourth Wednesday after the pupil membership count day and not later than the twenty-fourth Wednesday after the supplemental count day, an intermediate district shall submit to the center, in a form and manner prescribed by the center, the audited enrollment and attendance data as described in subsection (1) for the pupils of its constituent districts and of the intermediate district. If an intermediate district fails to submit the audited data as required under this subsection, the department shall withhold state aid due to be distributed under this article from the defaulting intermediate district immediately, beginning with the next payment after the failure and continuing with each payment until the intermediate district complies with this subsection. If an intermediate district does not comply with this subsection by the end of the fiscal year, the intermediate district forfeits the amount withheld.

(3) Except as otherwise provided in subsections (11), (12), and (13), all of the following apply to the provision of pupil instruction:

(a) Except as otherwise provided in this section, each district shall provide at least 1,098 hours and 180 days of pupil instruction. If a collective bargaining agreement that provides a complete school calendar was in effect for employees of a district as of June 24, 2014, and if that school calendar is not in compliance with this subdivision, then this subdivision does not apply to that district until after the expiration of that collective bargaining agreement. A district may apply for a waiver under subsection (9) from the requirements of this subdivision.

(b) Except as otherwise provided in this article, a district failing to comply with the required minimum hours and days of pupil instruction under this subsection forfeits from its total state aid allocation an amount determined by applying a ratio of the number of hours or days the district was in noncompliance in relation to the required minimum number of hours and days under this subsection. Not later than August 1, the board of each district shall either certify to the department that the district was in full compliance with this section regarding the number of hours and days of pupil instruction in the previous school year, or report to the department, in a form and manner prescribed by the center, each instance of noncompliance. If the district did not provide at least the required minimum number of hours and days of pupil instruction under this subsection, the department shall make the deduction of state aid in the following fiscal year from the first payment of state school aid. A district is not subject to forfeiture of funds under this subsection for a fiscal year in which a forfeiture was already imposed under subsection (6).

(c) Hours or days lost because of strikes or teachers' conferences are not counted as hours or days of pupil instruction.

(d) Except as otherwise provided in subdivisions (e), (f), and (h), if a district does not have at least 75% of the district's membership in attendance on any day of pupil instruction, the department shall pay the district state aid in that proportion of 1/180 that the actual percent of attendance bears to 75%.

(e) If a district adds 1 or more days of pupil instruction to the end of its instructional calendar for a school year to comply with subdivision (a) because the district otherwise would fail to provide the required minimum number of days of pupil instruction even after the operation of subsection (4) due to conditions not within the control of school authorities, then subdivision (d) does not apply for any day of pupil instruction that is added to the end of the instructional calendar. Instead, for any of those days, if the district does not have at least 60% of the district's membership in attendance on that day, the department shall pay the district state aid in that proportion of 1/180 that the actual percentage of attendance bears to 60%. For any day of pupil instruction added to the instructional calendar as described in this subdivision, the district shall report to the department the percentage of the district's membership that is in attendance, in the form and manner prescribed by the department.

(f) At the request of a district that operates a department-approved alternative education program and that does not provide instruction for pupils in all of grades K to 12, the superintendent shall grant a waiver from the requirements of subdivision (d). The waiver must provide that an eligible district is subject to the proration provisions of subdivision (d) only if the district does not have at least 50% of the district's membership in attendance on any day of pupil instruction. In order to be eligible for this waiver, a district must maintain records to substantiate its compliance with the following requirements:

(*i*) The district offers the minimum hours of pupil instruction as required under this section.

(*ii*) For each enrolled pupil, the district uses appropriate academic assessments to develop an individual

© Courtesy of www.legislature.mi.gov

education plan that leads to a high school diploma.

(*iii*) The district tests each pupil to determine academic progress at regular intervals and records the results of those tests in that pupil's individual education plan.

(g) All of the following apply to a waiver granted under subdivision (f):

(*i*) If the waiver is for a blended model of delivery, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(*ii*) If the waiver is for a 100% online model of delivery and the educational program for which the waiver is granted makes educational services available to pupils for a minimum of at least 1,098 hours during a school year and ensures that each pupil participates in the educational program for at least 1,098 hours during a school year, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(*iii*) A waiver that is not a waiver described in subparagraph (*i*) or (*ii*) is valid for 3 fiscal years, unless it is revoked by the superintendent, and must be renewed at the end of the 3-year period to remain in effect.

(h) For the 2020-2021 school year only, subdivision (d) does not apply for any day of pupil instruction. However, for the 2020-2021 school year only, a district shall ensure that 1 2-way interaction occurs between a pupil enrolled in the district and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress during each month of the school year for at least 75% of pupils enrolled in the district. As used in the immediately preceding sentence, "school year" means a period comprising at least 9 calendar months that are chosen by a district and that are designated as part of the district's 2020-2021 school year. If a district does not ensure that the interactions required under this subdivision occur for at least 75% of pupils enrolled in the district as required under this subdivision, the department shall pay the district state aid in that proportion of 1/9 that the actual percentage of interaction during each month bears to 75%. As used in this subdivision, "2-way interaction" means a communication that occurs between a pupil and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, where 1 party initiates communication and a response from the other party follows that communication, and that is relevant to course progress or course content for at least 1 of the courses in which the pupil is enrolled or relevant to the pupil's overall academic progress or grade progression. Responses, as described in this subdivision, must be to communication initiated by the teacher, by another district employee who has responsibility for the pupil's learning, grade progression, or academic progress, or by the pupil, and not some other action taken. The communication described in this subdivision may occur through, but is not limited to, any of the following means:

(*i*) Electronic mail.

(*ii*) Telephone.

(*iii*) Instant messaging.

(*iv*) Face-to-face conversation.

(i) The superintendent shall promulgate rules for the implementation of this subsection.

(4) Except as otherwise provided in this subsection, the first 6 days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, are counted as hours and days of pupil instruction. With the approval of the superintendent of public instruction, the department shall count as hours and days of pupil instruction for a fiscal year not more than 3 additional days or the equivalent number of additional hours for which pupil instruction is not provided in a district due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities such as those conditions described in this subsection. Subsequent such hours or days are not counted as hours or days of pupil instruction.

(5) A district does not forfeit part of its state aid appropriation because it adopts or has in existence an alternative scheduling program for pupils in kindergarten if the program provides at least the number of hours required under subsection (3) for a full-time equated membership for a pupil in kindergarten as provided under section 6(4).

(6) In addition to any other penalty or forfeiture under this section, if at any time the department determines that 1 or more of the following have occurred in a district, the district forfeits in the current fiscal year beginning in the next payment to be calculated by the department a proportion of the funds due to the district under this article that is equal to the proportion below the required minimum number of hours and days of pupil instruction under subsection (3), as specified in the following:

(a) The district fails to operate its schools for at least the required minimum number of hours and days of pupil instruction under subsection (3) in a school year, including hours and days counted under subsection (4).

(b) The board of the district takes formal action not to operate its schools for at least the required minimum

© Courtesy of www.legislature.mi.gov

number of hours and days of pupil instruction under subsection (3) in a school year, including hours and days counted under subsection (4).

(7) In providing the minimum number of hours and days of pupil instruction required under subsection (3), a district shall use the following guidelines, and a district shall maintain records to substantiate its compliance with the following guidelines:

(a) Except as otherwise provided in this subsection, a pupil must be scheduled for at least the required minimum number of hours of instruction, excluding study halls, or at least the sum of 90 hours plus the required minimum number of hours of instruction, including up to 2 study halls.

(b) The time a pupil is assigned to any tutorial activity in a block schedule may be considered instructional time, unless that time is determined in an audit to be a study hall period.

(c) Except as otherwise provided in this subdivision, a pupil in grades 9 to 12 for whom a reduced schedule is determined to be in the individual pupil's best educational interest must be scheduled for a number of hours equal to at least 80% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil. A pupil in grades 9 to 12 who is scheduled in a 4-block schedule may receive a reduced schedule under this subsection if the pupil is scheduled for a number of hours equal to at least 75% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil.

(d) If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil cannot receive the required minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of 3 hours per school week, is considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the required minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the department may consider more travel time to be pupil instruction time for this purpose.

(e) In grades 7 through 12, instructional time that is part of a Junior Reserve Officer Training Corps (JROTC) program is considered to be pupil instruction time regardless of whether the instructor is a certificated teacher if all of the following are met:

(*i*) The instructor has met all of the requirements established by the United States Department of Defense and the applicable branch of the armed services for serving as an instructor in the Junior Reserve Officer Training Corps program.

(*ii*) The board of the district or intermediate district employing or assigning the instructor complies with the requirements of sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, with respect to the instructor to the same extent as if employing the instructor as a regular classroom teacher.

(8) Except as otherwise provided in subsections (11), (12), and (13), the department shall apply the guidelines under subsection (7) in calculating the full-time equivalency of pupils.

(9) Upon application by the district for a particular fiscal year, the superintendent shall waive for a district the minimum number of hours and days of pupil instruction requirement of subsection (3) for a department-approved alternative education program or another innovative program approved by the department, including a 4-day school week. If a district applies for and receives a waiver under this subsection and complies with the terms of the waiver, the district is not subject to forfeiture under this section for the specific program covered by the waiver. If the district does not comply with the terms of the waiver, the amount of the forfeiture is calculated based upon a comparison of the number of hours and days of pupil instruction actually provided to the minimum number of hours and days of pupil instruction required under subsection (3). A district shall report pupils enrolled in a department-approved alternative education program under this subsection to the center in a form and manner determined by the center. All of the following apply to a waiver granted under this subsection:

(a) If the waiver is for a blended model of delivery, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(b) If the waiver is for a 100% online model of delivery and the educational program for which the waiver is granted makes educational services available to pupils for a minimum of at least 1,098 hours during a school year and ensures that each pupil is on track for course completion at proficiency level, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(c) A waiver that is not a waiver described in subdivision (a) or (b) is valid for 3 fiscal years, unless it is revoked by the superintendent, and must be renewed at the end of the 3-year period to remain in effect.

(10) A district may count up to 38 hours of professional development for teachers as hours of pupil instruction. All of the following apply to the counting of professional development as pupil instruction under this subsection:

© Courtesy of www.legislature.mi.gov

(a) If the professional development exceeds 5 hours in a single day, that day may be counted as a day of pupil instruction.

(b) At least 8 hours of the professional development counted as hours of pupil instruction under this subsection must be recommended by a districtwide professional development advisory committee appointed by the district board. The advisory committee must be composed of teachers employed by the district who represent a variety of grades and subject matter specializations, including special education; nonteaching staff; parents; and administrators. The majority membership of the committee must be composed of teaching staff.

(c) Professional development provided online is allowable and encouraged, as long as the instruction has been approved by the district. The department shall issue a list of approved online professional development providers that must include the Michigan Virtual School.

(d) Professional development may only be counted as hours of pupil instruction under this subsection for the pupils of those teachers scheduled to participate in the professional development.

(e) The professional development must meet all of the following to be counted as pupil instruction under this subsection:

(*i*) Be aligned to the school or district improvement plan for the school or district in which the professional development is being provided.

(*ii*) Be linked to 1 or more criteria in the evaluation tool developed or adopted by the district or intermediate district under section 1249 of the revised school code, MCL 380.1249.

(*iii*) Has been approved by the department as counting for state continuing education clock hours. The number of hours of professional development counted as hours of pupil instruction under this subsection may not exceed the number of state continuing education clock hours for which the professional development was approved.

(*iv*) Not more than a combined total of 10 hours of the professional development takes place before the first scheduled day of school for the school year ending in the fiscal year and after the last scheduled day of school for that school year.

(*v*) Not more than 10 hours of the professional development takes place in a single month.

(*vi*) At least 75% of teachers scheduled to participate in the professional development are in attendance.

(11) Subsections (3) and (8) do not apply to a school of excellence that is a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a.

(12) Subsections (3) and (8) do not apply to eligible pupils enrolled in a dropout recovery program that meets the requirements of section 23a. As used in this subsection, "eligible pupil" means that term as defined in section 23a.

(13) For the 2020-2021 school year only, the minimum number of hours and days of pupil instruction requirement under subsection (3) is waived for each district that, at a minimum, provides pupil instruction for the 2020-2021 school year at school, at a different location, in person, online, digitally, by other remote means, in a synchronous or asynchronous format, or through any combination therein that results in an amount of hours and days necessary to deliver the educational or course content that would have been delivered in 180 days and 1,098 hours in a school year in which pandemic learning was not provided and that would have led to course completion. As used in this subsection, "pandemic learning" means a mode of pupil instruction provided as a result of the COVID-19 pandemic.

(14) At least every 2 years the superintendent shall review the waiver standards set forth in the pupil accounting and auditing manuals to ensure that the waiver standards and waiver process continue to be appropriate and responsive to changing trends in online learning. The superintendent shall solicit and consider input from stakeholders as part of this review.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1986, Act 298, Imd. Eff. Dec. 22, 1986;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 142, Imd. Eff. July 15, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Imd. Eff. June 30, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 476, Imd. Eff. June 27, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 127, Imd. Eff. June 3, 2004;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 41, Imd. Eff. June 7, 2005;—Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2012, Act 516, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 29, Imd. Eff. May 16, 2013;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am.

© Courtesy of www.legislature.mi.gov

2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Imd. Eff. June 24, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 11, Imd. Eff. May 13, 2019;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 148, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The last sentence of subsection (4), as amended by Act 180 of 1996, which provided "However, for 1995-96 only, for a school district at or above townline 16, the first 5 days for which pupil instruction is not provided because of conditions described in this subsection shall be counted as days of pupil instruction." was vetoed by the governor on April 22, 1996.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Administrative rules: R 340.1 et seq. of the Michigan Administrative Code.

****** 388.1701.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1701.amended Eligibility to receive state aid; submission of number of pupils enrolled and in regular daily attendance; certification of data; noncompliance; withholding state aid; pupil instruction; minimum number of hours or days; requirements; guidelines; waiver; counting number of hours of qualifying teacher professional development; subsections (3) and (8) inapplicable to cyber school or dropout recovery program; "eligible pupil" defined; review of waiver standards.

Sec. 101. (1) To be eligible to receive state aid under this article, not later than the fifth Wednesday after the pupil membership count day and not later than the fifth Wednesday after the supplemental count day, each district superintendent shall submit and certify to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance, including identification of tuition-paying pupils, in the district as of the pupil membership count day and as of the supplemental count day, as applicable, for the current school year. In addition, a district maintaining school during the entire year shall submit and certify to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance in the district for the current school year pursuant to rules promulgated by the superintendent. Not later than the sixth Wednesday after the pupil membership count day and not later than the sixth Wednesday after the supplemental count day, the district shall resolve any pupil membership conflicts with another district, correct any data issues, and recertify the data in a form and manner prescribed by the center and file the certified data with the intermediate superintendent. If a district fails to submit and certify the attendance data, as required under this subsection, the center shall notify the department and the department shall withhold state aid due to be distributed under this article from the defaulting district immediately, beginning with the next payment after the failure and continuing with each payment until the district complies with this subsection. If a district does not comply with this subsection by the end of the fiscal year, the district forfeits the amount withheld. A person who willfully falsifies a figure or statement in the certified and sworn copy of enrollment is subject to penalty as prescribed by section 161.

(2) To be eligible to receive state aid under this article, not later than the twenty-fourth Wednesday after the pupil membership count day and not later than the twenty-fourth Wednesday after the supplemental count day, an intermediate district shall submit to the center, in a form and manner prescribed by the center, the audited enrollment and attendance data as described in subsection (1) for the pupils of its constituent districts and of the intermediate district. If an intermediate district fails to submit the audited data as required under this subsection, the department shall withhold state aid due to be distributed under this article from the defaulting intermediate district immediately, beginning with the next payment after the failure and continuing with each payment until the intermediate district complies with this subsection. If an intermediate district does

© Courtesy of www.legislature.mi.gov

not comply with this subsection by the end of the fiscal year, the intermediate district forfeits the amount withheld.

(3) Except as otherwise provided in subsections (11) and (12) all of the following apply to the provision of pupil instruction:

(a) Except as otherwise provided in this section, each district shall provide at least 1,098 hours and 180 days of pupil instruction. If a collective bargaining agreement that provides a complete school calendar was in effect for employees of a district as of June 24, 2014, and if that school calendar is not in compliance with this subdivision, then this subdivision does not apply to that district until after the expiration of that collective bargaining agreement. A district may apply for a waiver under subsection (9) from the requirements of this subdivision.

(b) Except as otherwise provided in this article, a district failing to comply with the required minimum hours and days of pupil instruction under this subsection forfeits from its total state aid allocation an amount determined by applying a ratio of the number of hours or days the district was in noncompliance in relation to the required minimum number of hours and days under this subsection. Not later than the first business day in August, the board of each district shall either certify to the department that the district was in full compliance with this section regarding the number of hours and days of pupil instruction in the previous school year, or report to the department, in a form and manner prescribed by the center, each instance of noncompliance. If the district did not provide at least the required minimum number of hours and days of pupil instruction under this subsection, the department shall make the deduction of state aid in the following fiscal year from the first payment of state school aid. A district is not subject to forfeiture of funds under this subsection for a fiscal year in which a forfeiture was already imposed under subsection (6).

(c) Hours or days lost because of strikes or teachers' conferences are not counted as hours or days of pupil instruction.

(d) Except as otherwise provided in subdivisions (e) and (f), if a district does not have at least 75% of the district's membership in attendance on any day of pupil instruction, the department shall pay the district state aid in that proportion of 1/180 that the actual percent of attendance bears to 75%.

(e) If a district adds 1 or more days of pupil instruction to the end of its instructional calendar for a school year to comply with subdivision (a) because the district otherwise would fail to provide the required minimum number of days of pupil instruction even after the operation of subsection (4) due to conditions not within the control of school authorities, then subdivision (d) does not apply for any day of pupil instruction that is added to the end of the instructional calendar. Instead, for any of those days, if the district does not have at least 60% of the district's membership in attendance on that day, the department shall pay the district state aid in that proportion of 1/180 that the actual percentage of attendance bears to 60%. For any day of pupil instruction added to the instructional calendar as described in this subdivision, the district shall report to the department the percentage of the district's membership that is in attendance, in the form and manner prescribed by the department.

(f) At the request of a district that operates a department-approved alternative education program and that does not provide instruction for pupils in all of grades K to 12, the superintendent shall grant a waiver from the requirements of subdivision (d). The waiver must provide that an eligible district is subject to the proration provisions of subdivision (d) only if the district does not have at least 50% of the district's membership in attendance on any day of pupil instruction. In order to be eligible for this waiver, a district must maintain records to substantiate its compliance with the following requirements:

(*i*) The district offers the minimum hours of pupil instruction as required under this section.

(*ii*) For each enrolled pupil, the district uses appropriate academic assessments to develop an individual education plan that leads to a high school diploma.

(*iii*) The district tests each pupil to determine academic progress at regular intervals and records the results of those tests in that pupil's individual education plan.

(g) All of the following apply to a waiver granted under subdivision (f):

(*i*) If the waiver is for a blended model of delivery, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(*ii*) If the waiver is for a 100% online model of delivery and the educational program for which the waiver is granted makes educational services available to pupils for a minimum of at least 1,098 hours during a school year and ensures that each pupil participates in the educational program for at least 1,098 hours during a school year, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(*iii*) A waiver that is not a waiver described in subparagraph (*i*) or (*ii*) is valid for 3 fiscal years, unless it is revoked by the superintendent, and must be renewed at the end of the 3-year period to remain in effect.

(h) The superintendent shall promulgate rules for the implementation of this subsection.

© Courtesy of www.legislature.mi.gov

(4) Except as otherwise provided in this subsection, the first 6 days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, are counted as hours and days of pupil instruction. With the approval of the superintendent of public instruction, the department shall count as hours and days of pupil instruction for a fiscal year not more than 3 additional days or the equivalent number of additional hours for which pupil instruction is not provided in a district due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities such as those conditions described in this subsection. Subsequent such hours or days are not counted as hours or days of pupil instruction.

(5) A district does not forfeit part of its state aid appropriation because it adopts or has in existence an alternative scheduling program for pupils in kindergarten if the program provides at least the number of hours required under subsection (3) for a full-time equated membership for a pupil in kindergarten as provided under section 6(4).

(6) In addition to any other penalty or forfeiture under this section, if at any time the department determines that 1 or more of the following have occurred in a district, the district forfeits in the current fiscal year beginning in the next payment to be calculated by the department a proportion of the funds due to the district under this article that is equal to the proportion below the required minimum number of hours and days of pupil instruction under subsection (3), as specified in the following:

(a) The district fails to operate its schools for at least the required minimum number of hours and days of pupil instruction under subsection (3) in a school year, including hours and days counted under subsection (4).

(b) The board of the district takes formal action not to operate its schools for at least the required minimum number of hours and days of pupil instruction under subsection (3) in a school year, including hours and days counted under subsection (4).

(7) In providing the minimum number of hours and days of pupil instruction required under subsection (3), a district shall use the following guidelines, and a district shall maintain records to substantiate its compliance with the following guidelines:

(a) Except as otherwise provided in this subsection, a pupil must be scheduled for at least the required minimum number of hours of instruction, excluding study halls, or at least the sum of 90 hours plus the required minimum number of hours of instruction, including up to 2 study halls.

(b) The time a pupil is assigned to any tutorial activity in a block schedule may be considered instructional time, unless that time is determined in an audit to be a study hall period.

(c) Except as otherwise provided in this subdivision, a pupil in grades 9 to 12 for whom a reduced schedule is determined to be in the individual pupil's best educational interest must be scheduled for a number of hours equal to at least 80% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil. A pupil in grades 9 to 12 who is scheduled in a 4-block schedule may receive a reduced schedule under this subsection if the pupil is scheduled for a number of hours equal to at least 75% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil.

(d) If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil cannot receive the required minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of 3 hours per school week, is considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the required minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the department may consider more travel time to be pupil instruction time for this purpose.

(e) In grades 7 through 12, instructional time that is part of a Junior Reserve Officer Training Corps (JROTC) program is considered to be pupil instruction time regardless of whether the instructor is a certificated teacher if all of the following are met:

(*i*) The instructor has met all of the requirements established by the United States Department of Defense and the applicable branch of the armed services for serving as an instructor in the Junior Reserve Officer Training Corps program.

(*ii*) The board of the district or intermediate district employing or assigning the instructor complies with the requirements of sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, with respect to the instructor to the same extent as if employing the instructor as a regular classroom teacher.

(8) Except as otherwise provided in subsections (11) and (12), the department shall apply the guidelines under subsection (7) in calculating the full-time equivalency of pupils.

(9) Upon application by the district for a particular fiscal year, the superintendent shall waive for a district the minimum number of hours and days of pupil instruction requirement of subsection (3) for a

© Courtesy of www.legislature.mi.gov

department-approved alternative education program or another innovative program approved by the department, including a 4-day school week. If a district applies for and receives a waiver under this subsection and complies with the terms of the waiver, the district is not subject to forfeiture under this section for the specific program covered by the waiver. If the district does not comply with the terms of the waiver, the amount of the forfeiture is calculated based upon a comparison of the number of hours and days of pupil instruction actually provided to the minimum number of hours and days of pupil instruction required under subsection (3). A district shall report pupils enrolled in a department-approved alternative education program under this subsection to the center in a form and manner determined by the center. All of the following apply to a waiver granted under this subsection:

(a) If the waiver is for a blended model of delivery, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(b) If the waiver is for a 100% online model of delivery and the educational program for which the waiver is granted makes educational services available to pupils for a minimum of at least 1,098 hours during a school year and ensures that each pupil is on track for course completion at proficiency level, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(c) A waiver that is not a waiver described in subdivision (a) or (b) is valid for 3 fiscal years, unless it is revoked by the superintendent, and must be renewed at the end of the 3-year period to remain in effect.

(10) A district may count up to 38 hours of professional development for teachers as hours of pupil instruction. All of the following apply to the counting of professional development as pupil instruction under this subsection:

(a) If the professional development exceeds 5 hours in a single day, that day may be counted as a day of pupil instruction.

(b) At least 8 hours of the professional development counted as hours of pupil instruction under this subsection must be recommended by a districtwide professional development advisory committee appointed by the district board. The advisory committee must be composed of teachers employed by the district who represent a variety of grades and subject matter specializations, including special education; nonteaching staff; parents; and administrators. The majority membership of the committee must be composed of teaching staff.

(c) Professional development provided online is allowable and encouraged, as long as the instruction has been approved by the district. The department shall issue a list of approved online professional development providers that must include the Michigan Virtual School.

(d) Professional development may only be counted as hours of pupil instruction under this subsection for the pupils of those teachers scheduled to participate in the professional development.

(e) The professional development must meet all of the following to be counted as pupil instruction under this subsection:

(*i*) Be aligned to the school or district improvement plan for the school or district in which the professional development is being provided.

(*ii*) Be linked to 1 or more criteria in the evaluation tool developed or adopted by the district or intermediate district under section 1249 of the revised school code, MCL 380.1249.

(*iii*) Has been approved by the department as counting for state continuing education clock hours. The number of hours of professional development counted as hours of pupil instruction under this subsection may not exceed the number of state continuing education clock hours for which the professional development was approved.

(*iv*) Not more than a combined total of 10 hours of the professional development takes place before the first scheduled day of school for the school year ending in the fiscal year and after the last scheduled day of school for that school year.

(*v*) Not more than 10 hours of the professional development takes place in a single month.

(*vi*) At least 75% of teachers scheduled to participate in the professional development are in attendance.

(11) Subsections (3) and (8) do not apply to a school of excellence that is a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a.

(12) Subsections (3) and (8) do not apply to eligible pupils enrolled in a dropout recovery program that meets the requirements of section 23a. As used in this subsection, "eligible pupil" means that term as defined in section 23a.

(13) At least every 2 years the superintendent shall review the waiver standards set forth in the pupil accounting and auditing manuals to ensure that the waiver standards and waiver process continue to be appropriate and responsive to changing trends in online learning. The superintendent shall solicit and consider

© Courtesy of www.legislature.mi.gov

input from stakeholders as part of this review.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1986, Act 298, Imd. Eff. Dec. 22, 1986;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 142, Imd. Eff. July 15, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Imd. Eff. June 30, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 476, Imd. Eff. June 27, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003; —Am. 2004, Act 127, Imd. Eff. June 3, 2004;—Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004;—Am. 2005, Act 41, Imd. Eff. June 7, 2005 ;—Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009; —Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 110, Imd. Eff. July 8, 2010;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2012, Act 516, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 29, Imd. Eff. May 16, 2013;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Imd. Eff. June 24, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 11, Imd. Eff. May 13, 2019;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 148, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: The last sentence of subsection (4), as amended by Act 180 of 1996, which provided "However, for 1995-96 only, for a school district at or above townline 16, the first 5 days for which pupil instruction is not provided because of conditions described in this subsection shall be counted as days of pupil instruction." was vetoed by the governor on April 22, 1996.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Administrative rules: R 340.1 et seq. of the Michigan Administrative Code.

388.1701a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: Former MCL 388.1701a, which pertained to extended school year, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

The repealed section pertained to enrollment of individual who has dropped out of another district.

388.1702 Failure to submit deficit elimination plan or deficit elimination plan not approved; authority of department to withhold payments; release of money withheld under subsection (1); consultation; submission of enhanced deficit elimination plan; requirements; allocation contingent upon compliance with section; definitions.

Sec. 102. (1) If a district or intermediate district is required to submit a deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and the district or intermediate district fails to submit a deficit elimination plan or the deficit elimination plan is not approved, the department may withhold some or all of the money payable to the district or intermediate district under this article, in an amount the department determines necessary to incentivize the district or intermediate district to eliminate the deficit, until the district or intermediate district submits to the department for approval an amended budget for the current school fiscal year and a deficit elimination plan in the form and manner prescribed by the department or until the deficit elimination plan is approved by the department, as determined by the department.

(2) The department shall release money withheld under subsection (1) after the department approves the deficit elimination plan. To assure greater coordination and effective partnerships in the development and implementation of a deficit elimination plan, when administering this subsection and subsection (1), the department shall consult with all of the following:

(a) The department of treasury.

© Courtesy of www.legislature.mi.gov

(b) The chief administrative officer of the district or intermediate district required to submit a deficit elimination plan under section 1220 of the revised school code, MCL 380.1220.

(c) For a district required to submit a deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, the intermediate superintendent of the intermediate district in which the district is located.

(3) If a district or intermediate district is required to submit an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, the state treasurer may withhold some or all of the money payable to the district under this article, in an amount the state treasurer determines necessary to incentivize the district or intermediate district to eliminate the deficit, until the district or intermediate district submits to the state treasurer for approval an approved budget for the current school fiscal year and an enhanced deficit elimination plan in the form and manner prescribed by the department of treasury under section 1220 of the revised school code, MCL 380.1220, or until the enhanced deficit elimination plan is approved by the department of treasury, as determined by the department of treasury. The state treasurer shall release money withheld under this subsection after the department of treasury approves the enhanced deficit elimination plan for the district or intermediate district. To assure greater coordination and effective partnerships in the development and implementation of an enhanced deficit elimination plan, when administering this subsection, the department of treasury shall consult with all of the following:

(a) The department.

(b) The chief administrative officer of the district or intermediate district required to submit an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220.

(c) For a district required to submit an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, the intermediate superintendent of the intermediate district in which the district is located.

(4) An allocation to a district or intermediate district under this article is contingent upon the district's or intermediate district's compliance with this section.

(5) As used in this section:

(a) "Deficit elimination plan" means a plan required under section 1220 of the revised school code, MCL 380.1220, for the elimination of a deficit that sets forth actions to be taken to eliminate the deficit within the time period prescribed by the department.

(b) "Deficit fund balance" means that term as defined in the Michigan public school accounting manual published by the department.

(c) "Enhanced deficit elimination plan" means measures required by the state treasurer under section 1220 of the revised school code, MCL 380.1220, to address the financial conditions within a district or intermediate district and resolve any deficit within the time period prescribed by the department and the state treasurer.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1979, Act 138, Imd. Eff. Nov. 7, 1979;—Am. 1980, Act 52, Imd. Eff. Mar. 27, 1980;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 136, Imd. Eff. Apr. 27, 1982;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 55, Imd. Eff. May 16, 1983;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2015, Act 112, Imd. Eff. July 7, 2015.

Compiler's note: Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1702d Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to school data analytical tools.

388.1703 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to pupil to teacher ratio.

****** 388.1704 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1704.amended ******

388.1704 Compliance with state and federal law; inclusion of item analysis in M-STEP results; number of enrolled students; distribution of federal funds; Michigan kindergarten entry observation tool (MKEO); Kindergarten Readiness Assessment; use of external keyboard with table devices; payment schedule determined by department; online

© Courtesy of www.legislature.mi.gov

reporting tool to provide student-level assessment data; benchmark assessments for 2020-2021; definitions.

Sec. 104. (1) In order to receive state aid under this article, a district shall comply with sections 1249, 1278a, 1278b, 1279g, and 1280b of the revised school code, MCL 380.1249, 380.1278a, 380.1278b, 380.1279g, and 380.1280b, and 1970 PA 38, MCL 388.1081 to 388.1086. Subject to subsection (2), from the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $31,009,400.00 for payments on behalf of districts for costs associated with complying with those provisions of law. In addition, from the federal funds appropriated in section 11, there is allocated for 2020-2021 an amount estimated at $6,250,000.00 funded from DED-OESE, title VI, state assessment funds, and from DED-OSERS, section 504 of part B of the individuals with disabilities education act, Public Law 94-142, plus any carryover federal funds from previous year appropriations, for the purposes of complying with the every student succeeds act, Public Law 114-95.

(2) The results of each test administered as part of the Michigan student test of educational progress (M-STEP), including tests administered to high school students, must include an item analysis that lists all items that are counted for individual pupil scores and the percentage of pupils choosing each possible response. The department shall work with the center to identify the number of students enrolled at the time assessments are given by each district. In calculating the percentage of pupils assessed for a district's scorecard, the department shall use only the number of pupils enrolled in the district at the time the district administers the assessments and shall exclude pupils who enroll in the district after the district administers the assessments.

(3) The department shall distribute federal funds allocated under this section in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public Law 106-25.

(4) From the funds allocated in subsection (1), there is allocated an amount not to exceed $1,500,000.00 to an intermediate district described in this subsection for, except as otherwise provided in this subsection, statewide implementation of the Michigan kindergarten entry observation tool (MKEO), utilizing the Maryland-Ohio observational tool, also referred to as the Kindergarten Readiness Assessment, as piloted under this subsection in 2017-2018 and implemented in 2018-2019 and 2019-2020. The funding in this subsection is allocated to an intermediate district in prosperity region 9 with at least 3,000 kindergarten pupils enrolled in its constituent districts. An intermediate district described in this subsection is not required to carry out the statewide implementation of the Michigan kindergarten entry observation tool (MKEO), as described in this subsection, for the fall of 2020. It is the intent of the legislature to account for health, safety, and welfare concerns related to the COVID-19 pandemic by temporarily suspending the requirement for statewide implementation of the Michigan kindergarten entry observation tool (MKEO) under this subsection for the fall of 2020. All of the following apply to the implementation of the kindergarten entry observation tool under this subsection:

(a) The department, in collaboration with all intermediate districts, shall ensure that the Michigan kindergarten entry observation tool is administered in each kindergarten classroom to either the full census of kindergarten pupils enrolled in the classroom or to a representative sample of not less than 35% of the total kindergarten pupils enrolled in each classroom. If a district elects to administer the Michigan kindergarten entry observation tool to a random sample of pupils within each classroom, the district's intermediate district shall select the pupils who will receive the assessment based on the same random method. Beginning in 2021, the observation tool must be administered within 45 days after the start of the school year.

(b) The intermediate district that receives funding under this subsection, in collaboration with all other intermediate districts, shall implement a "train the trainer" professional development model on the usage of the Michigan kindergarten entry observation tool. This training model must provide training to intermediate district staff so that they may provide similar training for staff of their constituent districts. This training model must also ensure that the tool produces reliable data and that there are a sufficient number of trainers to train all kindergarten teachers statewide.

(c) By March 1, 2022, and each year thereafter, the department and the intermediate district that receives funding under this subsection shall report to the house and senate appropriations subcommittees on state school aid, the house and senate fiscal agencies, and the state budget director on the results of the statewide implementation, including, but not limited to, an evaluation of the demonstrated readiness of kindergarten pupils statewide and the effectiveness of state and federal early childhood programs that are designed for school readiness under this state's authority, including the great start readiness program and the great start readiness/Head Start blended program, as referenced under section 32d. By September 1, 2022, and each year thereafter, the department and the center shall provide a method for districts and public school academies with

© Courtesy of www.legislature.mi.gov

kindergarten enrollment to look up and verify their student enrollment data for pupils who were enrolled in a publicly funded early childhood program in the year before kindergarten, including the individual great start readiness program, individual great start readiness/Head Start blended program, individual title I preschool program, individual section 31a preschool program, individual early childhood special education program, or individual developmental kindergarten or program for young 5-year-olds in which each tested child was enrolled. A participating district shall analyze the data to determine whether high-performing children were enrolled in any specific early childhood program and, if so, report that finding to the department and to the intermediate district that receives funding under this subsection.

(d) The department shall approve the language and literacy domain within the Kindergarten Readiness Assessment for use by districts as an initial assessment that may be delivered to all kindergarten pupils to assist with identifying any possible area of concern for a pupil in English language arts.

(e) As used in this subsection:

(*i*) "Kindergarten" includes a classroom for young 5-year-olds, commonly referred to as "young 5s" or "developmental kindergarten".

(*ii*) "Representative sample" means a sample capable of producing valid and reliable assessment information on all or major subgroups of kindergarten pupils in a district.

(5) The department may recommend, but may not require, districts to allow pupils to use an external keyboard with tablet devices for online M-STEP testing, including, but not limited to, open-ended test items such as constructed response or equation builder items.

(6) Notwithstanding section 17b, the department shall make payments on behalf of districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(7) From the allocation in subsection (1), there is allocated an amount not to exceed $500,000.00 for 2020-2021 for the operation of an online reporting tool to provide student-level assessment data in a secure environment to educators, parents, and pupils immediately after assessments are scored. The department and the center shall ensure that any data collected by the online reporting tool do not provide individually identifiable student data to the federal government.

(8) In order to receive state aid under this article for 2020-2021, a district shall meet both of the following requirements:

(a) Within the first 9 weeks of the 2020-2021 school year, the district shall administer 1 or more benchmark assessments provided by a provider approved under subsection (9), benchmark assessments described in subsection (10), or local benchmark assessments, or any combination thereof, to all pupils in grades K to 8 to measure proficiency in reading and mathematics.

(b) In addition to the benchmark assessment or benchmark assessments administered under subdivision (a), by not later than the last day of the 2020-2021 school year, the district shall administer 1 or more benchmark assessments provided by a provider approved under subsection (9), benchmark assessments described in subsection (10), or local benchmark assessments, or any combination thereof, to all pupils in grades K to 8 to measure proficiency in reading and mathematics.

(9) The department shall approve at least 4 but not more than 5 providers of benchmark assessments for the purposes of subsection (8). The department shall inform districts of all of the providers approved under this subsection in an equitable manner. The benchmark assessments provided for the purposes of subsection (8) by approved providers under this subsection, with the exclusion of the benchmark assessment described in subsection (14), must meet all of the following:

(a) Be 1 of the most commonly administered benchmark assessments in this state.

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

(c) Complement the state's summative assessment system.

(d) Be internet-delivered and include a standards-based remote, in-person, or both remote and in-person assessment using a computer-adaptive model to target the instructional level of each pupil.

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

(f) Provide immediate feedback to pupils and teachers.

(g) Be nationally normed.

(h) Provide multiple measures of growth and provide for multiple testing opportunities.

(10) A district may administer 1 or more of the following benchmark assessments toward meeting the requirement under subsection (8):

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

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

(11) To the extent practicable, if a district administers a benchmark assessment or benchmark assessments

© Courtesy of www.legislature.mi.gov

under this section, the district shall administer the same benchmark assessment or benchmark assessments provided by a provider approved under subsection (9), benchmark assessment or benchmark assessments described in subsection (10), or local benchmark assessment or local benchmark assessments that it administered to pupils in previous school years, as applicable.

(12) By not later than June 30, 2021, a district shall send the aggregate district-level data from a benchmark assessment or benchmark assessments, excluding data from a local benchmark assessment or local benchmark assessments, administered under this section to a regional data hub that is part of the Michigan data hub network that shall compile the data and send it to the center. Not later than September 1, 2021, the department and the center shall provide a report to the governor and the senate and house standing committees responsible for education legislation identifying the number and percentage of pupils in this state who are significantly behind grade level as determined by the department and the center based on the data provided to the center under this subsection. The benchmark assessment data under this subsection may also be used to measure pupils' growth based on their performance on state summative assessments to identify districts and schools where pupil achievement has increased or decreased. However, the benchmark assessment data under this subsection must not be utilized for the state accountability system. It is the intent of the legislature that the benchmark assessment data under this subsection be primarily utilized to determine the loss of learning, if any, resulting from the COVID-19 pandemic. After the administration of statewide assessments resumes, the department shall also provide a report to the governor and the senate and house standing committees responsible for education legislation identifying the specific pupil groups whose expected trajectory toward grade-level proficiency were most impacted by school closures that occurred pursuant to the COVID-19 pandemic.

(13) 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.

(14) The department shall make 1 of the benchmark assessments provided by a provider approved under subsection (9) available to districts at no cost to the districts. 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.

(15) If a local benchmark assessment or local benchmark assessments are administered under subsection (8), 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.

(16) From the general fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $150,000.00 to a higher education institution or other entity that is not a state governmental entity that has expertise in conducting a study described in this subsection to conduct a study that, at a minimum, accomplishes all of the following:

(a) Provides for an assessment of the distance-learning programs utilized in this state that were effective at meeting educational goals and attainment.

(b) Provides for an assessment of how the programs described in subdivision (a) operated.

(c) Provides for an assessment of the best practices implemented by the programs described in subdivision (a) that should be replicated by schools engaged in distance learning.

(d) Notes distance-learning models that were ineffective in achieving educational goals.

(17) As used in this section:

(a) "DED" means the United States Department of Education.

(b) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(c) "DED-OSERS" means the DED Office of Special Education and Rehabilitative Services.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;

© Courtesy of www.legislature.mi.gov

—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1704, which pertained to student portfolios, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

****** 388.1704.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1704.amended Compliance with state and federal law; inclusion of item analysis in M-STEP results; number of enrolled students; distribution of federal funds; use of external keyboard with table devices; payment schedule determined by department; online reporting tool to provide student-level assessment data; definitions.

Sec. 104. (1) In order to receive state aid under this article, a district shall comply with sections 1249, 1278a, 1278b, 1279g, and 1280b of the revised school code, MCL 380.1249, 380.1278a, 380.1278b, 380.1279g, and 380.1280b, and 1970 PA 38, MCL 388.1081 to 388.1086. Subject to subsection (2), from the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $29,509,400.00 for payments on behalf of districts for costs associated with complying with those provisions of law. In addition, from the federal funds appropriated in section 11, there is allocated for 2021-2022 an amount estimated at $6,250,000.00 funded from DED-OESE, title VI, state assessment funds, and from DED-OSERS, part B of the individuals with disabilities education act, 20 USC 1411 to 1419, plus any carryover federal funds from previous year appropriations, for the purposes of complying with the every student succeeds act, Public Law 114-95.

(2) The results of each test administered as part of the Michigan student test of educational progress (M-STEP), including tests administered to high school students, must include an item analysis that lists all items that are counted for individual pupil scores and the percentage of pupils choosing each possible response. The department shall work with the center to identify the number of students enrolled at the time assessments are given by each district. In calculating the percentage of pupils assessed for a district's scorecard, the department shall use only the number of pupils enrolled in the district at the time the district administers the assessments and shall exclude pupils who enroll in the district after the district administers the assessments.

(3) The department shall distribute federal funds allocated under this section in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public Law 106-25.

(4) The department may recommend, but may not require, districts to allow pupils to use an external keyboard with tablet devices for online M-STEP testing, including, but not limited to, open-ended test items such as constructed response or equation builder items.

© Courtesy of www.legislature.mi.gov

(5) Notwithstanding section 17b, the department shall make payments on behalf of districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(6) From the allocation in subsection (1), there is allocated an amount not to exceed $500,000.00 for 2021-2022 for the operation of an online reporting tool to provide student-level assessment data in a secure environment to educators, parents, and pupils immediately after assessments are scored. The department and the center shall ensure that any data collected by the online reporting tool do not provide individually identifiable student data to the federal government.

(7) As used in this section:

(a) "DED" means the United States Department of Education.

(b) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(c) "DED-OSERS" means the DED Office of Special Education and Rehabilitative Services.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1704, which pertained to student portfolios, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 112 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1704a Allocation for implementation of a benchmark assessment system; approval of benchmark assessment providers; report.

Sec. 104a. (1) From the federal fund money 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, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $2,572,000.00, and from the federal fund money 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, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $4,949,300.00, and from the state school aid fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $4,197,900.00 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 subsection (4), benchmark assessments described in subdivision (b), or local benchmark assessments, or any combination thereof, to all pupils in

© Courtesy of www.legislature.mi.gov

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 subsection (4), 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 subsection (4), 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, student demographic subgroups, and mode of instruction 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 approve at least 4 but not more than 6 providers of benchmark assessments for the purposes of this section. The department shall inform districts of all of the providers approved under this subsection in an equitable manner. The benchmark assessments provided for the purposes of this section by approved providers under this subsection, with the exclusion of the benchmark assessment described in subsection (5) or the benchmark assessment described in subsection (6), 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 remote, in-person, or both remote and in-person assessment using a computer-adaptive model to target the instructional level of each pupil.

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

(e) Provide immediate feedback to pupils and teachers.

(f) Be nationally normed.

(g) Provide multiple measures of growth and provide for multiple testing opportunities.

(5) The department shall make 1 of the benchmark assessments provided by a provider approved under subsection (4) 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.

© Courtesy of www.legislature.mi.gov

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

(6) The department shall approve at least 1 of the benchmark assessments provided by a provider approved under subsection (4) that meets 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 remote, in-person, or both remote and in-person assessment using a computer-adaptive model to target the instructional level of each pupil.

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

(e) Provide immediate feedback to pupils and teachers.

(f) Be nationally normed.

(g) Provide multiple measures of growth and provide for multiple testing opportunities.

(h) Have the option of providing an oral reading fluency online assessment.

(7) 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.

History: Add. 2021, Act 3, Imd. Eff. Mar. 9, 2021;—Am. 2021, Act 48, Imd. Eff. July 13, 2021.

Compiler's note: Former MCL 388.1704a, which pertained to state assessments to high school pupils, was repealed by Act 121 of 2009, Imd. Eff. Oct. 19, 2009.

388.1704b Michigan merit examination

Sec. 104b. (1) In order to receive state aid under this article, a district shall comply with this section and shall administer the Michigan merit examination to pupils in grade 11, and to pupils in grade 12 who did not take the complete Michigan merit examination in grade 11, as provided in this section. The Michigan merit examination consists of a college entrance test, work skills test, and the summative assessment known as the Michigan student test of educational progress (M-STEP).

(2) For the purposes of this section, the department of technology, management, and budget shall contract with 1 or more providers to develop, supply, and score the Michigan merit examination. The Michigan merit examination shall consist of all of the following:

(a) Assessment instruments that measure English language arts, mathematics, reading, and science, and are used by the majority of colleges and universities in this state for entrance purposes. This may include 1 or more writing components. In selecting assessment instruments to fulfill the requirements of this subdivision, the department may consider the degree to which those assessment instruments are aligned to this state's content standards.

(b) One or more tests from 1 or more test developers that assess a pupil's ability to apply at least reading and mathematics skills in a manner that is intended to allow employers to use the results in making employment decisions. The department of technology, management, and budget and the superintendent shall ensure that any test or tests selected under this subdivision have all the components necessary to allow a pupil to be eligible to receive the results of a nationally recognized evaluation of workforce readiness if the pupil's test performance is adequate.

(c) A social studies component.

(d) Any other component that is necessary to obtain the approval of the United States Department of Education to use the Michigan merit examination for the purposes of the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95.

(3) In addition to all other requirements of this section, all of the following apply to the Michigan merit examination:

(a) The department of technology, management, and budget and the superintendent shall ensure that any contractor used for scoring the Michigan merit examination supplies an individual report for each pupil that will identify for the pupil's parents and teachers whether the pupil met expectations or failed to meet expectations for each standard, to allow the pupil's parents and teachers to assess and remedy problems before the pupil moves to the next grade.

(b) The department of technology, management, and budget and the superintendent shall ensure that any contractor used for scoring, developing, or processing the Michigan merit examination meets quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model developed by the Software Engineering Institute of Carnegie Mellon University for the first year the Michigan merit examination is offered to all grade 11 pupils and at least meeting level 3 of

© Courtesy of www.legislature.mi.gov

the capability maturity model for subsequent years.

(c) The department of technology, management, and budget and the superintendent shall ensure that any contract for scoring, administering, or developing the Michigan merit examination includes specific deadlines for all steps of the assessment process, including, but not limited to, deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools, and includes penalties for noncompliance with these deadlines.

(d) The superintendent shall ensure that the Michigan merit examination meets all of the following:

(*i*) Is designed to test pupils on this state's content standards in all subjects tested.

(*ii*) Complies with requirements of the no child left behind act of 2001, Public Law 107-110 or the every student succeeds act, Public Law 114-95.

(*iii*) Is consistent with the code of fair testing practices in education prepared by the Joint Committee on Testing Practices of the American Psychological Association.

(*iv*) Is factually accurate. If the superintendent determines that a question is not factually accurate and should be excluded from scoring, the state board and the superintendent shall ensure that the question is excluded from scoring.

(4) A district shall include on each pupil's high school transcript all of the following:

(a) For each high school graduate who has completed the Michigan merit examination under this section, the pupil's scaled score on each subject area component of the Michigan merit examination.

(b) The number of school days the pupil was in attendance at school each school year during high school and the total number of school days in session for each of those school years.

(5) The superintendent shall work with the provider or providers of the Michigan merit examination to produce Michigan merit examination subject area scores for each pupil participating in the Michigan merit examination. To the extent that the department determines that additional test items beyond those included in the college entrance component of the Michigan merit examination are required in a particular subject area, the department shall ensure that all test items in that subject area are scaled and merged for the purposes of producing a Michigan merit examination subject area score. The superintendent shall design and distribute to districts, intermediate districts, and nonpublic schools a simple and concise document that describes the scoring for each subject area and indicates the scaled score ranges for each subject area.

(6) The Michigan merit examination shall be administered in each district during the last 12 weeks of the district's school year. The superintendent shall ensure that the Michigan merit examination is scored and the scores are returned to pupils, their parents or legal guardians, and districts not later than the beginning of the pupil's first semester of grade 12. The returned scores shall indicate at least the pupil's scaled score for each subject area component and the range of scaled scores for each subject area. In reporting the scores to pupils, parents, and schools, the superintendent shall provide standards-specific, meaningful, and timely feedback on the pupil's performance on the Michigan merit examination.

(7) A district shall administer the complete Michigan merit examination to a pupil only once and shall not administer the complete Michigan merit examination to the same pupil more than once. If a pupil does not take the complete Michigan merit examination in grade 11, the district shall administer the complete Michigan merit examination to the pupil in grade 12. If a pupil chooses to retake the college entrance examination component of the Michigan merit examination, as described in subsection (2)(a), the pupil may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the pupil unless all of the following are met:

(a) The pupil has taken the complete Michigan merit examination.

(b) The pupil meets the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769i.

(c) The pupil has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied.

(d) After taking the complete Michigan merit examination, the pupil has not already received a free retake of the college entrance examination component paid for either by this state or through a scholarship or fee waiver by the provider.

(8) The superintendent shall ensure that the length of the Michigan merit examination and the combined total time necessary to administer all of the components of the Michigan merit examination are the shortest possible that will still maintain the degree of reliability and validity of the Michigan merit examination results determined necessary by the superintendent. The superintendent shall ensure that the maximum total combined length of time that schools are required to set aside for pupils to answer all test questions on the Michigan merit examination does not exceed 8 hours if the superintendent determines that sufficient alignment to applicable Michigan merit curriculum content standards can be achieved within that time limit.

(9) A district shall provide accommodations to a pupil with disabilities for the Michigan merit

© Courtesy of www.legislature.mi.gov

examination, as provided under section 504 of title V of the rehabilitation act of 1973, 29 USC 794; subtitle A of title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12134; the individuals with disabilities education act amendments of 1997, Public Law 105-17; and the implementing regulations for those statutes. The provider or providers of the Michigan merit examination and the superintendent shall mutually agree upon the accommodations to be provided under this subsection.

(10) To the greatest extent possible, the Michigan merit examination shall be based on this state's content standards, as appropriate. Annually, after each administration of the Michigan merit examination, the department shall provide a report of the points per standard so that teachers will know what content will be covered within the Michigan merit examination. The department may augment the college entrance and work skills components of the Michigan merit examination to develop the assessment, depending on the alignment of those components to this state's content standards. If these components do not align to these standards, the department shall produce additional components as required by law, while minimizing the amount of time needed for assessments.

(11) A child who is a student in a nonpublic school or home school may take the Michigan merit examination under this section. To take the Michigan merit examination, a child who is a student in a home school shall contact the district in which the child resides, and that district shall administer the Michigan merit examination, or the child may take the Michigan merit examination at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the superintendent shall direct the provider or providers to supply the Michigan merit examination to the nonpublic school and the nonpublic school may administer the Michigan merit examination. If a district administers the Michigan merit examination under this subsection to a child who is not enrolled in the district, the scores for that child are not considered for any purpose to be scores of a pupil of the district.

(12) In contracting under subsection (2), the department of technology, management, and budget shall consider a contractor that provides electronically-scored essays with the ability to score constructed response feedback in multiple languages and provide ongoing instruction and feedback.

(13) The purpose of the Michigan merit examination is to assess pupil performance in mathematics, science, social studies, and English language arts for the purpose of improving academic achievement and establishing a statewide standard of competency. The assessment under this section provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards and promotes pupil participation in higher level mathematics, science, social studies, and English language arts courses. These standards are based upon the expectations of what pupils should learn through high school and are aligned with national standards.

(14) For a pupil enrolled in a middle college program, other than a middle college operated as a shared educational entity or a specialized shared educational entity, if the pupil receives at least 50% of his or her instruction at the high school while in grade 11, the Michigan merit examination shall be administered to the pupil at the high school at which the pupil receives high school instruction, and the department shall include the pupil's scores on the Michigan merit examination in the scores for that high school for all purposes for which a school's or district's results are reported. The department shall allow the middle college program to use a 5-year graduation rate for determining adequate yearly progress. As used in this subsection, "middle college" means a program consisting of a series of courses and other requirements and conditions, including an early college or other program created under a memorandum of understanding, that allows a pupil to graduate from high school with both a high school diploma and a certificate or degree from a community college or state public university.

(15) As used in this section:

(a) "English language arts" means reading and writing.

(b) "Social studies" means United States history, world history, world geography, economics, and American government.

(16) For each report made by the department that includes the statewide assessment results for a school building, the department shall include the scores for the statewide assessment and the graduation rate for consortium pupils with the scores for the school building in the participating district in which the consortium pupil is enrolled or would otherwise attend. The statewide assessment for a consortium pupil may be administered either at the consortium location or at the school building in the participating district in which the consortium pupil is enrolled or would otherwise attend. For the purposes of this subsection, a consortium pupil is a pupil who is enrolled or participating in a participating district in a school or program operated as a consortium or under a cooperative arrangement formed by 2 or more districts or intermediate districts, including, but not limited to, a consortium or cooperative arrangement operated as a program, a shared educational entity, a specialized educational entity, or a special education center program.

© Courtesy of www.legislature.mi.gov

History: Add. 2004, Act 593, Imd. Eff. Jan. 5, 2005;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

****** 388.1704c THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1704c.amended ******

388.1704c State assessments as condition for receipt of state aid; M-STEP assessments in English language arts and mathematics; summative assessment system; benchmark assessments; interim assessments; "English language arts" defined.

Sec. 104c. (1) In order to receive state aid under this article, a district shall administer the state assessments described in this section.

(2) For the purposes of this section, the department shall develop and administer the Michigan student test of educational progress (M-STEP) assessments in English language arts and mathematics. These assessments shall be aligned to state standards.

(3) For the purposes of this section, the department shall implement a summative assessment system that is proven to be valid and reliable for administration to pupils as provided under this subsection. The summative assessment system must meet all of the following requirements:

(a) The summative assessment system must measure student proficiency on the current state standards, must measure student growth for consecutive grade levels in which students are assessed in the same subject area in both grade levels, and must be capable of measuring individual student performance.

(b) The summative assessments for English language arts and mathematics must be administered to all public school pupils in grades 3 to 11, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(c) The summative assessments for science must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(d) The summative assessments for social studies must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(e) The content of the summative assessments must be aligned to state standards.

(f) The pool of questions for the summative assessments must be subject to a transparent review process for quality, bias, and sensitive issues involving educator review and comment. The department shall post samples from tests or retired tests featuring questions from this pool for review by the public.

(g) The summative assessment system must ensure that students, parents, and teachers are provided with reports that convey individual student proficiency and growth on the assessment and that convey individual student domain-level performance in each subject area, including representative questions, and individual student performance in meeting state standards.

(h) The summative assessment system must be capable of providing, and the department shall ensure that students, parents, teachers, administrators, and community members are provided with, reports that convey aggregate student proficiency and growth data by teacher, grade, school, and district.

(i) The summative assessment system must ensure the capability of reporting the available data to support educator evaluations.

(j) The summative assessment system must ensure that the reports provided to districts containing individual student data are available within 60 days after completion of the assessments.

(k) The summative assessment system must ensure that access to individually identifiable student data meets all of the following:

(*i*) Is in compliance with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(*ii*) Except as may be provided for in an agreement with a vendor to provide assessment services, as necessary to support educator evaluations pursuant to subdivision (i), or for research or program evaluation purposes, is available only to the student; to the student's parent or legal guardian; and to a school

© Courtesy of www.legislature.mi.gov

administrator or teacher, to the extent that he or she has a legitimate educational interest.

(*l*) The summative assessment system must ensure that the assessments are pilot tested before statewide implementation.

(m) The summative assessment system must ensure that assessments are designed so that the maximum total combined length of time that schools are required to set aside for a pupil to answer all test questions on all assessments that are part of the system for the pupil's grade level does not exceed that maximum total combined length of time for the previous statewide assessment system or 9 hours, whichever is less. This subdivision does not limit the amount of time a district may allow a pupil to complete a test.

(n) The total cost of executing the summative assessment system statewide each year, including, but not limited to, the cost of contracts for administration, scoring, and reporting, must not exceed an amount equal to 2 times the cost of executing the previous statewide assessment after adjustment for inflation.

(o) Beginning with the 2017-2018 school year, the summative assessment system must not require more than 3 hours in duration, on average, for an individual pupil to complete the combined administration of the math and English language arts portions of the assessment for any 1 grade level.

(p) The summative assessments for English language arts and mathematics for pupils in grades 8 to 10 must be aligned to the college entrance test portion of the Michigan merit examination required under section 104b.

(4) The department shall offer benchmark assessments in the fall and spring of each school year to measure English language arts and mathematics in each of grades K to 2. Full implementation must occur not later than the 2019-2020 school year. These assessments are necessary to determine a pupil's proficiency level before grade 3 and must meet the requirements under section 104d(4).

(5) This section does not prohibit districts from adopting interim assessments.

(6) As used in this section, "English language arts" means that term as defined in section 104b.

History: Add. 2014, Act 196, Imd. Eff. June 24, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016 ;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019.

****** 388.1704c.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1704c.amended State assessments as condition for receipt of state aid; M-STEP assessments in English language arts and mathematics; summative assessment system; benchmark assessments; interim assessments; "English language arts" defined.

Sec. 104c. (1) In order to receive state aid under this article, a district shall administer the state assessments described in this section.

(2) For the purposes of this section, the department shall develop and administer the Michigan student test of educational progress (M-STEP) assessments in English language arts and mathematics. These assessments shall be aligned to state standards.

(3) For the purposes of this section, the department shall implement a summative assessment system that is proven to be valid and reliable for administration to pupils as provided under this subsection. The summative assessment system must meet all of the following requirements:

(a) The summative assessment system must measure student proficiency on the current state standards, must measure student growth for consecutive grade levels in which students are assessed in the same subject area in both grade levels, and must be capable of measuring individual student performance.

(b) The summative assessments for English language arts and mathematics must be administered to all public school pupils in grades 3 to 11, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(c) The summative assessments for science must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(d) The summative assessments for social studies must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(e) The content of the summative assessments must be aligned to state standards.

(f) The pool of questions for the summative assessments must be subject to a transparent review process for quality, bias, and sensitive issues involving educator review and comment. The department shall post samples from tests or retired tests featuring questions from this pool for review by the public.

(g) The summative assessment system must ensure that students, parents, and teachers are provided with

© Courtesy of www.legislature.mi.gov

reports that convey individual student proficiency and growth on the assessment and that convey individual student domain-level performance in each subject area, including representative questions, and individual student performance in meeting state standards.

(h) The summative assessment system must be capable of providing, and the department shall ensure that students, parents, teachers, administrators, and community members are provided with, reports that convey aggregate student proficiency and growth data by teacher, grade, school, and district.

(i) The summative assessment system must ensure the capability of reporting the available data to support educator evaluations.

(j) The summative assessment system must ensure that the reports provided to districts containing individual student data are available within 60 days after completion of the assessments.

(k) The summative assessment system must ensure that access to individually identifiable student data meets all of the following:

(*i*) Is in compliance with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(*ii*) Except as may be provided for in an agreement with a vendor to provide assessment services, as necessary to support educator evaluations pursuant to subdivision (i), or for research or program evaluation purposes, is available only to the student; to the student's parent or legal guardian; and to a school administrator or teacher, to the extent that he or she has a legitimate educational interest.

(*l*) The summative assessment system must ensure that the assessments are pilot tested before statewide implementation.

(m) The summative assessment system must ensure that assessments are designed so that the maximum total combined length of time that schools are required to set aside for a pupil to answer all test questions on all assessments that are part of the system for the pupil's grade level does not exceed that maximum total combined length of time for the previous statewide assessment system or 9 hours, whichever is less. This subdivision does not limit the amount of time a district may allow a pupil to complete a test.

(n) The total cost of executing the summative assessment system statewide each year, including, but not limited to, the cost of contracts for administration, scoring, and reporting, must not exceed an amount equal to 2 times the cost of executing the previous statewide assessment after adjustment for inflation.

(o) The summative assessment system must not require more than 3 hours in duration, on average, for an individual pupil to complete the combined administration of the math and English language arts portions of the assessment for any 1 grade level.

(p) The summative assessments for English language arts and mathematics for pupils in grades 8 to 10 must be aligned to the college entrance test portion of the Michigan merit examination required under section 104b.

(4) The department shall offer benchmark assessments in the fall and spring of each school year to measure English language arts and mathematics in each of grades K to 2. Full implementation must occur not later than the 2019-2020 school year. These assessments are necessary to determine a pupil's proficiency level before grade 3.

(5) This section does not prohibit districts from adopting interim assessments.

(6) As used in this section, "English language arts" means that term as defined in section 104b.

History: Add. 2014, Act 196, Imd. Eff. June 24, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2016, Act 313, Eff. Oct. 6, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

***** *388.1704d THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021* *****

388.1704d Purchase of computer-adaptive test or diagnostic tools, screening tools, or benchmark assessments; reimbursement; report.

Sec. 104d. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2018-2019 an amount not to exceed $9,200,000.00 for providing reimbursement to districts that purchase a computer-adaptive test, or that purchase 1 or more diagnostic tools or screening tools for pupils in grades K to 3 that are intended to increase reading proficiency by grade 4, or that purchase benchmark assessments for pupils in grades K to 8.

(2) In order to receive reimbursement under this section for the purchase of a computer-adaptive test, the computer-adaptive test must provide for at least all of the following:

(a) Internet-delivered, standards-based assessment using a computer-adaptive model to target the instructional level of each pupil.

© Courtesy of www.legislature.mi.gov

(b) Unlimited testing opportunities throughout the 2018-2019 school year.

(c) Valid and reliable diagnostic assessment data.

(d) Adjustment of testing difficulty based on previous answers to test questions.

(e) Immediate feedback to pupils and teachers.

(3) In order to receive reimbursement under this section for the purchase of 1 or more diagnostic tools or screening tools for pupils in grades K to 3, each of the tools must meet all of the following:

(a) Be reliable.

(b) Be valid.

(c) Be useful. As used in this subdivision, "useful" means that a tool is easy to administer and requires a short time to complete and that results are linked to intervention.

(4) In order to receive funding under this section for the purchase of benchmark assessments for pupils in grades K to 8, the benchmark assessments must meet all of the following:

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

(b) Complement this state's summative assessment system.

(c) Be administered at least once a year before the administration of any summative assessment to monitor pupil progress.

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

(5) Reimbursement under this section shall be made to eligible districts that purchase a computer-adaptive test or 1 or more diagnostic tools, screening tools, or benchmark assessments described in this section by October 15, 2018 and shall be made on an equal per-pupil basis according to the available funding, based on the number of pupils for whom assessments were purchased.

(6) In order to receive reimbursement under this section, a district shall demonstrate to the satisfaction of the department that each qualifying computer-adaptive test, diagnostic tool, screening tool, or benchmark assessment was purchased by the district by December 1, 2018 and shall report to the department which tests, tools, and assessments the district purchased.

(7) Not later than February 1, 2019, the department shall compile the data provided by districts under subsection (6) and report to the house and senate appropriations subcommittees on school aid and the house and senate fiscal agencies the number of districts that purchased each test, tool, and assessment.

(8) Districts seeking reimbursement under this section for a benchmark assessment shall commit to using the same benchmark assessment for no less than 3 years without switching to another benchmark assessment.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

388.1704e Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: The repealed section pertained to assessment digital literacy preparation pilot project.

****** 388.1704f THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1704f.amended ******

388.1704f Assessment digital literacy preparation program for K to 8; requirements.

Sec. 104f. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $500,000.00 for the implementation of an assessment digital literacy preparation program for pupils enrolled in grades K to 8 for 2020-2021. The department shall ensure that a program funded under this subsection satisfies all of the following:

(a) Is available to districts in the 2020-2021 school year.

(b) Focuses on ensuring pupils have the necessary skills required for state online assessments by assessing pupil digital literacy skill levels and providing teachers with a digital curriculum targeted at areas of determined weakness.

(c) Allows pupils to engage with the digital curriculum in an independent or teacher-facilitated modality.

(d) Includes training and professional development for teachers.

(e) Is implemented in at least 100 districts that operate grades K to 8 and that represent a diverse geography and socio-economic demographic.

(2) Funding under subsection (1) must be allocated to a district that did not receive funding under former section 104e for 2017-2018 and that operates at least grades K to 8 and has a partnership with a third party that is experienced in the assessment of digital literacy and the preparation of digital literacy skills and has demonstrable experience serving districts in this state and local education agencies in 10 other states. The district, along with its third-party partner, shall provide a report to the house and senate appropriations

© Courtesy of www.legislature.mi.gov

subcommittees on state school aid and the house and senate fiscal agencies on the efficacy and usefulness of the assessment digital literacy preparation program no later than July 1, 2021.

(3) Notwithstanding section 17b, the department shall make payments under subsection (1) by not later than December 1, 2020.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1704f, which pertained to funding for the implementation of an assessment digital literacy preparation pilot project, was repealed by Act 58 of 2019, Eff. Oct. 1, 2019.

****** 388.1704f.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1704f.amended Assessment digital literacy preparation program for K to 8; requirements.

Sec. 104f. (1) From the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $500,000.00 to a district for the implementation of an assessment digital literacy preparation program for pupils enrolled in grades K to 8 for 2021-2022. The department shall ensure that a program funded under this subsection satisfies all of the following:

(a) Is available to districts in the 2021-2022 school year.

(b) Focuses on ensuring pupils have the necessary skills required for state online assessments by assessing pupil digital literacy skill levels and providing teachers with a digital curriculum targeted at areas of determined weakness.

(c) Allows pupils to engage with the digital curriculum in an independent or teacher-facilitated modality.

(d) Includes training and professional development for teachers.

(e) Is implemented in at least 100 districts that operate grades K to 8 and that represent a diverse geography and socio-economic demographic.

(2) Funding under subsection (1) must be allocated to a district that did not receive funding under former section 104e for 2017-2018 and that operates at least grades K to 8 and has a partnership with a third party that is experienced in the assessment of digital literacy and the preparation of digital literacy skills and has demonstrable experience serving districts in this state and local education agencies in 10 other states. The district, along with its third-party partner, shall provide a report to the house and senate appropriations subcommittees on school aid and the house and senate fiscal agencies on the efficacy and usefulness of the assessment digital literacy preparation program no later than July 1, 2022.

(3) Notwithstanding section 17b, the department shall make payments under subsection (1) by not later than December 1, 2021.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1704f, which pertained to funding for the implementation of an assessment digital literacy preparation pilot project, was repealed by Act 58 of 2019, Eff. Oct. 1, 2019.

****** 388.1704g THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1704g.amended ******

388.1704g SAT and PSAT availability requirements.

Sec. 104g. (1) For the 2020-2021 school year only, a district shall make the SAT available in the fall of 2020 to pupils who were in grade 11 during the 2019-2020 school year and who were not able to take the examination during the 2019-2020 school year.

(2) For the 2020-2021 school year only, a district shall make the PSAT available in the fall of 2020 to pupils who were in grades 8, 9, and 10 during the 2019-2020 school year and who were not able to take the examination during the 2019-2020 school year.

(3) The examinations offered by a district in subsections (1) and (2) are not considered state summative assessments or the college entrance portion of the Michigan merit examination for the 2020-2021 school year.

(4) Pupils must be encouraged but not required to take the examinations under subsections (1) and (2).

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1704g.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1704g.amended SAT and PSAT availability requirements.

Sec. 104g. (1) For the 2021-2022 school year only, a district shall make the SAT available in the fall of 2021 to both of the following:

(a) Pupils who were in grade 11 during the 2020-2021 school year and who were not able to take the examination during the 2020-2021 school year.

© Courtesy of www.legislature.mi.gov

(b) Pupils who took the examination during the 2020-2021 school year and request to take the examination again in the fall of 2021.

(2) For the 2021-2022 school year only, a district shall make the PSAT available in the fall of 2021 to both of the following:

(a) Pupils who were in grades 8, 9, and 10 during the 2020-2021 school year and who were not able to take the examination during the 2020-2021 school year.

(b) Pupils who took the examination during the 2020-2021 school year and request to take the examination again in the fall of 2021.

(3) The examinations offered by a district in subsections (1) and (2) are not considered state summative assessments or the college entrance portion of the Michigan merit examination for the 2021-2022 school year.

(4) Pupils must be encouraged but not required to take the examinations under subsections (1) and (2).

(5) The department shall grant credits to districts that administer the exams described under this section upon submission of an invoice and proof of payment from any school eligible to administer the examinations.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1704h.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1704h.added Benchmark assessment system for 2022-2023.

Sec. 104h. (1) From the state school aid fund money appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed $11,500,000.00 to districts to begin implementation of a benchmark assessment system for the 2022-2023 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 2022-2023 school year, the district shall administer 1 or more benchmark assessments provided by a provider approved under subsection (6), 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 2022-2023 school year, the district shall administer 1 or more benchmark assessments provided by a provider approved under subsection (6), 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 subsection (6), 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 under subparagraph (1)(a)(*ii*), the district shall send benchmark assessment data from all benchmark assessments administered in the 2022-2023 school year, excluding data from a local benchmark assessment, as applicable, aggregated by grade level, student demographic subgroups, and mode of instruction to the department. If available, the data described in this subdivision must include information concerning pupil growth from fall 2022 to spring 2023.

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

© Courtesy of www.legislature.mi.gov

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 subsection (6) 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 June 15, 2023, 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 and demographic subgroup 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.

(6) The department shall approve at least 4 but not more than 6 providers of benchmark assessments for the purposes of this section. The department shall inform districts of all of the providers approved under this subsection in an equitable manner. The benchmark assessments, with the exclusion of the benchmark assessment described in subsection (4), provided by approved providers under 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 remote, in-person, or both remote and in-person assessment using a computer-adaptive model to target the instructional level of each pupil.

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

(e) Provide immediate feedback to pupils and teachers.

(f) Be nationally normed.

(g) Provide multiple measures of growth and provide for multiple testing opportunities.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1705 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1705.amended ******

388.1705 Counting nonresident pupils in membership; application for enrollment; procedures.

Sec. 105. (1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing within the same intermediate district in membership without the approval of the pupil's district of residence, a district must comply with this section.

(2) Except as otherwise provided in this section, a district shall determine whether or not it will accept applications for enrollment by nonresident applicants residing within the same intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents, beyond those entitled to preference under this section, the district shall use the following procedures for accepting applications from and enrolling nonresidents:

(a) The district shall publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) If the district has a limited number of positions available for nonresidents residing within the same intermediate district in a grade, school, or program, all of the following apply to accepting applications for and enrollment of nonresidents in that grade, school, or program:

(*i*) The district shall do all of the following not later than the second Friday in August:

(A) Provide notice to the general public that applications will be taken for a period of at least 15 calendar days but not more than 30 calendar days from nonresidents residing within the same intermediate district for enrollment in that grade, school, or program. The notice must identify the dates of the application period and

© Courtesy of www.legislature.mi.gov

the place and manner for submitting applications.

(B) During the application period under sub-subparagraph (A), accept applications from nonresidents residing within the same intermediate district for enrollment in that grade, school, or program.

(C) Within 15 calendar days after the end of the application period under sub-subparagraph (A) or, for 2020-2021 only, not later than October 13, 2020, using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll in that grade, school, or program, using the random draw system required under subsection (14) as necessary, and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school, or, for 2020-2021 only, not later than October 13, 2020.

(*ii*) Beginning on the third Monday in August and not later than the end of the first week of school or, for 2020-2021 only, not later than October 13, 2020, if any positions become available in a grade, school, or program due to accepted applicants failing to enroll or to more positions being added, the district may enroll nonresident applicants from the waiting list maintained under subsection (14), offering enrollment in the order that applicants appear on the waiting list. If there are still positions available after enrolling all applicants from the waiting list who desire to enroll, the district may not fill those positions until the second semester or trimester enrollment under subsection (3), as provided under that subsection, or until the next school year.

(c) For a grade, school, or program that has an unlimited number of positions available for nonresidents residing within the same intermediate district, all of the following apply to enrollment of nonresidents in that grade, school, or program:

(*i*) The district may accept applications for enrollment in that grade, school, or program, and may enroll nonresidents residing within the same intermediate district in that grade, school, or program until the end of the first week of school or, for 2020-2021 only, the district may enroll nonresidents residing within the same intermediate district in that grade, school, or program until October 13, 2020 if the application was received by the end of the first week of school. The district shall provide notice to the general public of the place and manner for submitting applications and, if the district has a limited application period, the notice must include the dates of the application period. The application period shall be at least a 15-calendar-day period.

(*ii*) Not later than the end of the first week of school or, for 2020-2021 only, not later than October 13, 2020, the district shall notify the parent or legal guardian of each nonresident applicant who is accepted for enrollment that the applicant has been accepted for enrollment in the grade, school, or program and of the procedures for enrollment. The date for enrollment must be no later than the end of the first week of school or, for 2020-2021 only, not later than October 13, 2020.

(3) If a district determines during the first semester or trimester of a school year that it has positions available for enrollment of a number of nonresidents residing within the same intermediate district, beyond those entitled to preference under this section, for the second semester or trimester of the school year, the district may accept applications from and enroll nonresidents residing within the same intermediate district for the second semester or trimester using the following procedures:

(a) Not later than 2 weeks before the end of the first semester or trimester, the district shall publish the grades, schools, and special programs, if any, for which enrollment for the second semester or trimester may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) During the last 2 weeks of the first semester or trimester, the district shall accept applications from nonresidents residing within the same intermediate district for enrollment for the second semester or trimester in the available grades, schools, and programs.

(c) By the beginning of the second semester or trimester, using the procedures and preferences required under this section, the district shall determine which nonresident applicants will be allowed to enroll in the district for the second semester or trimester and notify the parent or legal guardian of each nonresident applicant residing within the same intermediate district of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(4) If deadlines similar to those described in subsection (2) or (3) have been established in an intermediate district, and if those deadlines are not later than the deadlines under subsection (2) or (3), the districts within the intermediate district may use those deadlines.

(5) A district offering to enroll nonresident applicants residing within the same intermediate district may limit the number of nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use

© Courtesy of www.legislature.mi.gov

that limit as the reason for refusal to enroll an applicant.

(6) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(7) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(8) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based upon religion, race, color, national origin, sex, height, weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(9) Subject to subsection (10), a district may refuse to enroll a nonresident applicant if any of the following are met:

(a) The applicant is, or has been within the preceding 2 years, suspended from another school.

(b) The applicant, at any time before enrolling under this section, has been expelled from another school.

(c) The applicant, at any time before enrolling under this section, has been convicted of a felony.

(10) If a district has counted a pupil in membership on either the pupil membership count day or the supplemental count day, the district shall not refuse to enroll or refuse to continue to enroll that pupil for a reason specified in subsection (9). This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) A district shall continue to allow a pupil who was enrolled in and attended the district under this section in the school year or semester or trimester immediately preceding the school year or semester or trimester in question to enroll in the district until the pupil graduates from high school. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(12) A district shall give preference for enrollment under this section over all other nonresident applicants residing within the same intermediate district to other school-age children who reside in the same household as a pupil described in subsection (11).

(13) If a nonresident pupil was enrolled in and attending school in a district as a nonresident pupil in the 1995-96 school year and continues to be enrolled continuously each school year in that district, the district shall allow that nonresident pupil to continue to enroll in and attend school in the district until high school graduation, without requiring the nonresident pupil to apply for enrollment under this section. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(14) If the number of qualified nonresident applicants eligible for acceptance in a school, grade, or program does not exceed the positions available for nonresident pupils in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing within the same intermediate district eligible for acceptance exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section. The district shall develop and maintain a waiting list based on the order in which nonresident applicants were drawn under this random draw system.

(15) If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant, the district of residence shall provide that information on a timely basis.

(16) If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(17) This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(18) A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents under this section.

(19) A district that, under this section, enrolls a nonresident pupil who is eligible for special education programs and services according to statute or rule, or who is a child with disabilities, as defined under the individuals with disabilities education act, Public Law 108-446, is considered to be the resident district of the

© Courtesy of www.legislature.mi.gov

pupil for the purpose of providing the pupil with a free appropriate public education. Consistent with state and federal law, that district is responsible for developing and implementing an individualized education program annually for a nonresident pupil described in this subsection.

(20) If a district does not comply with this section, the district forfeits 5% of the total state school aid allocation to the district under this act.

(21) Upon application by a district, the superintendent may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

History: Add. 1996, Act 300, Imd. Eff. June 19, 1996;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1705, which pertained to age of pupils counted in membership, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

****** 388.1705.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1705.amended Counting nonresident pupils in membership; application for enrollment; procedures.

Sec. 105. (1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing within the same intermediate district in membership without the approval of the pupil's district of residence, a district must comply with this section.

(2) Except as otherwise provided in this section, a district shall determine whether or not it will accept applications for enrollment by nonresident applicants residing within the same intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents, beyond those entitled to preference under this section, the district shall use the following procedures for accepting applications from and enrolling nonresidents:

(a) The district shall publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) If the district has a limited number of positions available for nonresidents residing within the same intermediate district in a grade, school, or program, all of the following apply to accepting applications for and enrollment of nonresidents in that grade, school, or program:

(*i*) The district shall do all of the following not later than the second Friday in August:

(A) Provide notice to the general public that applications will be taken for a period of at least 15 calendar days but not more than 30 calendar days from nonresidents residing within the same intermediate district for enrollment in that grade, school, or program. The notice must identify the dates of the application period and the place and manner for submitting applications.

(B) During the application period under sub-subparagraph (A), accept applications from nonresidents residing within the same intermediate district for enrollment in that grade, school, or program.

(C) Within 15 calendar days after the end of the application period under sub-subparagraph (A), using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll in that grade, school, or program, using the random draw system required under subsection (13) as necessary, and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of

© Courtesy of www.legislature.mi.gov

school.

(*ii*) Beginning on the third Monday in August and not later than the end of the first week of school, if any positions become available in a grade, school, or program due to accepted applicants failing to enroll or to more positions being added, the district may enroll nonresident applicants from the waiting list maintained under subsection (13), offering enrollment in the order that applicants appear on the waiting list. If there are still positions available after enrolling all applicants from the waiting list who desire to enroll, the district may not fill those positions until the second semester or trimester enrollment under subsection (3), as provided under that subsection, or until the next school year.

(c) For a grade, school, or program that has an unlimited number of positions available for nonresidents residing within the same intermediate district, all of the following apply to enrollment of nonresidents in that grade, school, or program:

(*i*) The district may accept applications for enrollment in that grade, school, or program, and may enroll nonresidents residing within the same intermediate district in that grade, school, or program until the end of the first week of school. The district shall provide notice to the general public of the place and manner for submitting applications and, if the district has a limited application period, the notice must include the dates of the application period. The application period shall be at least a 15-calendar-day period.

(*ii*) Not later than the end of the first week of school, the district shall notify the parent or legal guardian of each nonresident applicant who is accepted for enrollment that the applicant has been accepted for enrollment in the grade, school, or program and of the procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(3) If a district determines during the first semester or trimester of a school year that it has positions available for enrollment of a number of nonresidents residing within the same intermediate district, beyond those entitled to preference under this section, for the second semester or trimester of the school year, the district may accept applications from and enroll nonresidents residing within the same intermediate district for the second semester or trimester using the following procedures:

(a) Not later than 2 weeks before the end of the first semester or trimester, the district shall publish the grades, schools, and special programs, if any, for which enrollment for the second semester or trimester may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) During the last 2 weeks of the first semester or trimester, the district shall accept applications from nonresidents residing within the same intermediate district for enrollment for the second semester or trimester in the available grades, schools, and programs.

(c) By the beginning of the second semester or trimester, using the procedures and preferences required under this section, the district shall determine which nonresident applicants will be allowed to enroll in the district for the second semester or trimester and notify the parent or legal guardian of each nonresident applicant residing within the same intermediate district of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(4) If deadlines similar to those described in subsection (2) or (3) have been established in an intermediate district, and if those deadlines are not later than the deadlines under subsection (2) or (3), the districts within the intermediate district may use those deadlines.

(5) A district offering to enroll nonresident applicants residing within the same intermediate district may limit the number of nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant.

(6) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(7) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(8) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based upon religion, race, color, national origin, sex, height, weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(9) Subject to subsection (10), a district may refuse to enroll a nonresident applicant if any of the following

© Courtesy of www.legislature.mi.gov

are met:

(a) The applicant is, or has been within the preceding 2 years, suspended from another school.

(b) The applicant, at any time before enrolling under this section, has been expelled from another school.

(c) The applicant, at any time before enrolling under this section, has been convicted of a felony.

(10) If a district has counted a pupil in membership on either the pupil membership count day or the supplemental count day, the district shall not refuse to enroll or refuse to continue to enroll that pupil for a reason specified in subsection (9). This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) A district shall continue to allow a pupil who was enrolled in and attended the district under this section in the school year or semester or trimester immediately preceding the school year or semester or trimester in question to enroll in the district until the pupil graduates from high school. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(12) A district shall give preference for enrollment under this section over all other nonresident applicants residing within the same intermediate district to other school-age children who reside in the same household as a pupil described in subsection (11).

(13) If the number of qualified nonresident applicants eligible for acceptance in a school, grade, or program does not exceed the positions available for nonresident pupils in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing within the same intermediate district eligible for acceptance exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section. The district shall develop and maintain a waiting list based on the order in which nonresident applicants were drawn under this random draw system.

(14) If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant, the district of residence shall provide that information on a timely basis.

(15) If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(16) This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(17) A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents under this section.

(18) A district that, under this section, enrolls a nonresident pupil who is eligible for special education programs and services according to statute or rule, or who is a child with a disability, as that term is defined under the individuals with disabilities education act, Public Law 108-446, is considered to be the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. Consistent with state and federal law, that district is responsible for developing and implementing an individualized education program annually for a nonresident pupil described in this subsection.

(19) If a district does not comply with this section, the district forfeits 5% of the total state school aid allocation to the district under this act.

(20) Upon application by a district, the superintendent may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

History: Add. 1996, Act 300, Imd. Eff. June 19, 1996;—Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1705, which pertained to age of pupils counted in membership, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to

© Courtesy of www.legislature.mi.gov

local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1705a Repealed. 2006, Act 342, Eff. Oct. 1, 2006.

Compiler's note: The repealed section pertained to counting nonresident pupils in membership.

****** 388.1705b THIS SECTION IS REPEALED BY ACT 48 OF 2021 EFFECTIVE OCTOBER 1, 2021 ******

388.1705b Intermediate district operating under pilot schools of choice program.

Sec. 105b. If an intermediate district is operating under an intermediate district pilot schools of choice program established under former section 91 or as described in section 91a, the intermediate district and its constituent districts are exempt from section 105.

History: Add. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 2000, Act 297, Imd. Eff. July 26, 2000.

****** 388.1705c THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1705c.amended ******

388.1705c Enrollment by nonresident applicants residing in district located in a contiguous intermediate district.

Sec. 105c. (1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing in a district located in a contiguous intermediate district in membership without the approval of the pupil's district of residence, a district must comply with this section.

(2) Except as otherwise provided in this section, a district shall determine whether or not it will accept applications for enrollment by nonresident applicants residing in a district located in a contiguous intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents under this section, beyond those entitled to preference under this section, the district shall use the following procedures for accepting applications from and enrolling nonresidents under this section:

(a) The district shall publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing in a district located in a contiguous intermediate district.

(b) If the district has a limited number of positions available for nonresidents residing in a district located in a contiguous intermediate district in a grade, school, or program, all of the following apply to accepting applications for and enrollment of nonresidents under this section in that grade, school, or program:

(*i*) The district shall do all of the following not later than the second Friday in August:

(A) Provide notice to the general public that applications will be taken for a period of at least 15 calendar days but not more than 30 calendar days from nonresidents residing in a district located in a contiguous intermediate district for enrollment in that grade, school, or program. The notice must identify the dates of the application period and the place and manner for submitting applications.

(B) During the application period under sub-subparagraph (A), accept applications from nonresidents residing in a district located in a contiguous intermediate district for enrollment in that grade, school, or program.

(C) Within 15 calendar days after the end of the application period under sub-subparagraph (A) or, for 2020-2021 only, not later than October 13, 2020, using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll under this section in that grade, school, or program, using the random draw system required under subsection (14) as necessary, and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment under this section must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school or, for 2020-2021 only, not later than October 13, 2020.

(*ii*) Beginning on the third Monday in August and not later than the end of the first week of school or, for 2020-2021 only, not later than October 13, 2020, if any positions become available in a grade, school, or

© Courtesy of www.legislature.mi.gov

program due to accepted applicants failing to enroll or to more positions being added, the district may enroll nonresident applicants from the waiting list maintained under subsection (14), offering enrollment in the order that applicants appear on the waiting list. If there are still positions available after enrolling all applicants from the waiting list who desire to enroll, the district may not fill those positions until the second semester or trimester enrollment under subsection (3), as provided under that subsection, or until the next school year.

(c) For a grade, school, or program that has an unlimited number of positions available for nonresidents residing in a district located in a contiguous intermediate district, all of the following apply to enrollment of nonresidents in that grade, school, or program under this section:

(*i*) The district may accept applications for enrollment in that grade, school, or program, and may enroll nonresidents residing in a district located in a contiguous intermediate district in that grade, school, or program until the end of the first week of school or, for 2020-2021 only, the district may enroll nonresidents residing in a district located in a contiguous intermediate district in that grade, school, or program until October 13, 2020 if the application was received by the end of the first week of school. The district shall provide notice to the general public of the place and manner for submitting applications and, if the district has a limited application period, the notice must include the dates of the application period. The application period must be at least a 15-calendar-day period.

(*ii*) Not later than the end of the first week of school or, for 2020-2021 only, not later than October 13, 2020, the district shall notify the parent or legal guardian of each nonresident applicant who is accepted for enrollment under this section that the applicant has been accepted for enrollment in the grade, school, or program and of the date by which the applicant must enroll in the district and the procedures for enrollment. The date for enrollment must be no later than the end of the first week of school or, for 2020-2021 only, not later than October 13, 2020.

(3) If a district determines during the first semester or trimester of a school year that it has positions available for enrollment of a number of nonresidents residing in a district located in a contiguous intermediate district, beyond those entitled to preference under this section, for the second semester or trimester of the school year, the district may accept applications from and enroll nonresidents residing in a district located in a contiguous intermediate district for the second semester or trimester using the following procedures:

(a) Not later than 2 weeks before the end of the first semester or trimester, the district shall publish the grades, schools, and special programs, if any, for which enrollment for the second semester or trimester may be available to, and for which applications will be accepted from, nonresident applicants residing in a district located in a contiguous intermediate district.

(b) During the last 2 weeks of the first semester or trimester, the district shall accept applications from nonresidents residing in a district located in a contiguous intermediate district for enrollment for the second semester or trimester in the available grades, schools, and programs.

(c) By the beginning of the second semester or trimester, using the procedures and preferences required under this section, the district shall determine which nonresident applicants will be allowed to enroll under this section in the district for the second semester or trimester and notify the parent or legal guardian of each nonresident applicant residing in a district located in a contiguous intermediate district of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(4) If deadlines similar to those described in subsection (2) or (3) have been established in an intermediate district, and if those deadlines are not later than the deadlines under subsection (2) or (3), the districts within the intermediate district may use those deadlines.

(5) A district offering to enroll nonresident applicants residing in a district located in a contiguous intermediate district may limit the number of those nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant under this section.

(6) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant under this section if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(7) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment under this section based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

© Courtesy of www.legislature.mi.gov

(8) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment under this section based upon religion, race, color, national origin, sex, height, weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(9) Subject to subsection (10), a district may refuse to enroll a nonresident applicant under this section if any of the following are met:

(a) The applicant is, or has been within the preceding 2 years, suspended from another school.

(b) The applicant, at any time before enrolling under this section, has been expelled from another school.

(c) The applicant, at any time before enrolling under this section, has been convicted of a felony.

(10) If a district has counted a pupil in membership on either the pupil membership count day or the supplemental count day, the district shall not refuse to enroll or refuse to continue to enroll that pupil for a reason specified in subsection (9). This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) A district shall continue to allow a pupil who was enrolled in and attended the district under this section in the school year or semester or trimester immediately preceding the school year or semester or trimester in question to enroll in the district until the pupil graduates from high school. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(12) A district shall give preference for enrollment under this section over all other nonresident applicants residing in a district located in a contiguous intermediate district to other school-age children who reside in the same household as a pupil described in subsection (11).

(13) If a nonresident pupil was enrolled in and attending school in a district as a nonresident pupil in the 1995-96 school year and continues to be enrolled continuously each school year in that district, the district shall allow that nonresident pupil to continue to enroll in and attend school in the district until high school graduation, without requiring the nonresident pupil to apply for enrollment under this section. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(14) If the number of qualified nonresident applicants eligible for acceptance under this section in a school, grade, or program does not exceed the positions available for nonresident pupils under this section in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing in a district located in a contiguous intermediate district eligible for acceptance under this section exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section. The district shall develop and maintain a waiting list based on the order in which nonresident applicants were drawn under this random draw system.

(15) If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant under this section, the district of residence shall provide that information on a timely basis.

(16) If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(17) This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(18) A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents pursuant to this section.

(19) In order for a district or intermediate district to enroll under this section a nonresident pupil who resides in a district located in a contiguous intermediate district and who is eligible for special education programs and services according to statute or rule, or who is a child with disabilities, as defined under the individuals with disabilities education act, Public Law 108-446, the enrolling district shall have a written agreement with the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. The written agreement must include, but is not limited to, an agreement on the responsibility for the payment of the added costs of special education programs and services for the pupil. The written agreement must address how the agreement must be amended in the event of significant changes in the costs or level of special education programs or services required by the pupil.

(20) If a district does not comply with this section, the district forfeits 5% of the total state school aid allocation to the district under this act.

© Courtesy of www.legislature.mi.gov

(21) Upon application by a district, the superintendent may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

(22) This section is repealed if the final decision of a court of competent jurisdiction holds that any portion of this section is unconstitutional, ineffective, invalid, or in violation of federal law.

(23) As used in this section, "district located in a contiguous intermediate district" means a district located in an intermediate district that is contiguous to the intermediate district in which a pupil's district of residence is located.

History: Add. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

****** 388.1705c.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1705c.amended Enrollment by nonresident applicants residing in district located in a contiguous intermediate district.

Sec. 105c. (1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing in a district located in a contiguous intermediate district in membership without the approval of the pupil's district of residence, a district must comply with this section.

(2) Except as otherwise provided in this section, a district shall determine whether or not it will accept applications for enrollment by nonresident applicants residing in a district located in a contiguous intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents under this section, beyond those entitled to preference under this section, the district shall use the following procedures for accepting applications from and enrolling nonresidents under this section:

(a) The district shall publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing in a district located in a contiguous intermediate district.

(b) If the district has a limited number of positions available for nonresidents residing in a district located in a contiguous intermediate district in a grade, school, or program, all of the following apply to accepting applications for and enrollment of nonresidents under this section in that grade, school, or program:

(*i*) The district shall do all of the following not later than the second Friday in August:

(A) Provide notice to the general public that applications will be taken for a period of at least 15 calendar days but not more than 30 calendar days from nonresidents residing in a district located in a contiguous intermediate district for enrollment in that grade, school, or program. The notice must identify the dates of the application period and the place and manner for submitting applications.

(B) During the application period under sub-subparagraph (A), accept applications from nonresidents residing in a district located in a contiguous intermediate district for enrollment in that grade, school, or program.

(C) Within 15 calendar days after the end of the application period under sub-subparagraph (A), using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll under this section in that grade, school, or program, using the random draw system required under subsection (13) as necessary, and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment under this section must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(*ii*) Beginning on the third Monday in August and not later than the end of the first week of school, if any

© Courtesy of www.legislature.mi.gov

positions become available in a grade, school, or program due to accepted applicants failing to enroll or to more positions being added, the district may enroll nonresident applicants from the waiting list maintained under subsection (13), offering enrollment in the order that applicants appear on the waiting list. If there are still positions available after enrolling all applicants from the waiting list who desire to enroll, the district may not fill those positions until the second semester or trimester enrollment under subsection (3), as provided under that subsection, or until the next school year.

(c) For a grade, school, or program that has an unlimited number of positions available for nonresidents residing in a district located in a contiguous intermediate district, all of the following apply to enrollment of nonresidents in that grade, school, or program under this section:

(*i*) The district may accept applications for enrollment in that grade, school, or program, and may enroll nonresidents residing in a district located in a contiguous intermediate district in that grade, school, or program until the end of the first week of school. The district shall provide notice to the general public of the place and manner for submitting applications and, if the district has a limited application period, the notice must include the dates of the application period. The application period must be at least a 15-calendar-day period.

(*ii*) Not later than the end of the first week of school, the district shall notify the parent or legal guardian of each nonresident applicant who is accepted for enrollment under this section that the applicant has been accepted for enrollment in the grade, school, or program and of the date by which the applicant must enroll in the district and the procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(3) If a district determines during the first semester or trimester of a school year that it has positions available for enrollment of a number of nonresidents residing in a district located in a contiguous intermediate district, beyond those entitled to preference under this section, for the second semester or trimester of the school year, the district may accept applications from and enroll nonresidents residing in a district located in a contiguous intermediate district for the second semester or trimester using the following procedures:

(a) Not later than 2 weeks before the end of the first semester or trimester, the district shall publish the grades, schools, and special programs, if any, for which enrollment for the second semester or trimester may be available to, and for which applications will be accepted from, nonresident applicants residing in a district located in a contiguous intermediate district.

(b) During the last 2 weeks of the first semester or trimester, the district shall accept applications from nonresidents residing in a district located in a contiguous intermediate district for enrollment for the second semester or trimester in the available grades, schools, and programs.

(c) By the beginning of the second semester or trimester, using the procedures and preferences required under this section, the district shall determine which nonresident applicants will be allowed to enroll under this section in the district for the second semester or trimester and notify the parent or legal guardian of each nonresident applicant residing in a district located in a contiguous intermediate district of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(4) If deadlines similar to those described in subsection (2) or (3) have been established in an intermediate district, and if those deadlines are not later than the deadlines under subsection (2) or (3), the districts within the intermediate district may use those deadlines.

(5) A district offering to enroll nonresident applicants residing in a district located in a contiguous intermediate district may limit the number of those nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant under this section.

(6) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant under this section if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(7) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment under this section based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(8) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment under this section based upon religion, race, color, national origin, sex, height,

© Courtesy of www.legislature.mi.gov

weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(9) Subject to subsection (10), a district may refuse to enroll a nonresident applicant under this section if any of the following are met:

(a) The applicant is, or has been within the preceding 2 years, suspended from another school.

(b) The applicant, at any time before enrolling under this section, has been expelled from another school.

(c) The applicant, at any time before enrolling under this section, has been convicted of a felony.

(10) If a district has counted a pupil in membership on either the pupil membership count day or the supplemental count day, the district shall not refuse to enroll or refuse to continue to enroll that pupil for a reason specified in subsection (9). This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) A district shall continue to allow a pupil who was enrolled in and attended the district under this section in the school year or semester or trimester immediately preceding the school year or semester or trimester in question to enroll in the district until the pupil graduates from high school. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(12) A district shall give preference for enrollment under this section over all other nonresident applicants residing in a district located in a contiguous intermediate district to other school-age children who reside in the same household as a pupil described in subsection (11).

(13) If the number of qualified nonresident applicants eligible for acceptance under this section in a school, grade, or program does not exceed the positions available for nonresident pupils under this section in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing in a district located in a contiguous intermediate district eligible for acceptance under this section exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section. The district shall develop and maintain a waiting list based on the order in which nonresident applicants were drawn under this random draw system.

(14) If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant under this section, the district of residence shall provide that information on a timely basis.

(15) If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(16) This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(17) A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents pursuant to this section.

(18) In order for a district or intermediate district to enroll under this section a nonresident pupil who resides in a district located in a contiguous intermediate district and who is eligible for special education programs and services according to statute or rule, or who is a child with disabilities, as defined under the individuals with disabilities education act, Public Law 108-446, the enrolling district shall have a written agreement with the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. The written agreement must include, but is not limited to, an agreement on the responsibility for the payment of the added costs of special education programs and services for the pupil. The written agreement must address how the agreement must be amended in the event of significant changes in the costs or level of special education programs or services required by the pupil.

(19) If a district does not comply with this section, the district forfeits 5% of the total state school aid allocation to the district under this act.

(20) Upon application by a district, the superintendent may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

(21) This section is repealed if the final decision of a court of competent jurisdiction holds that any portion of this section is unconstitutional, ineffective, invalid, or in violation of federal law.

(22) As used in this section, "district located in a contiguous intermediate district" means a district located in an intermediate district that is contiguous to the intermediate district in which a pupil's district of residence is located.

© Courtesy of www.legislature.mi.gov

History: Add. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1706 Pupils not counted in membership.

Sec. 106. A pupil enrolled in a public school program organized under federal or state supervision and in which the teaching costs are fully subsidized from federal or state funds shall not be counted in membership.

History: 1979, Act 94, Eff. Oct. 1, 1979.

****** 388.1707 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1707.amended ******

388.1707 Adult education programs; eligibility requirements; definitions.

Sec. 107. (1) From the appropriation in section 11, there is allocated an amount not to exceed $30,000,000.00 for 2020-2021 for adult education programs authorized under this section. Except as otherwise provided under subsections (14) and (15), funds allocated under this section are restricted for adult education programs as authorized under this section only. A recipient of funds under this section shall not use those funds for any other purpose.

(2) To be eligible for funding under this section, an eligible adult education provider shall employ certificated teachers and qualified administrative staff and shall offer continuing education opportunities for teachers to allow them to maintain certification.

(3) To be eligible to be a participant funded under this section, an individual must be enrolled in an adult basic education program, an adult secondary education program, an adult English as a second language program, a high school equivalency test preparation program, or a high school completion program, that meets the requirements of this section, and for which instruction is provided, and the individual must be at least 18 years of age and the individual's graduating class must have graduated.

(4) By April 1 of each fiscal year, the intermediate districts within a prosperity region or subregion shall determine which intermediate district will serve as the prosperity region's or subregion's fiscal agent for the next fiscal year and shall notify the department in a form and manner determined by the department. The department shall approve or disapprove of the prosperity region's or subregion's selected fiscal agent. From the funds allocated under subsection (1), an amount as determined under this subsection is allocated to each intermediate district serving as a fiscal agent for adult education programs in each of the prosperity regions or subregions identified by the department. An intermediate district shall not use more than 5% of the funds allocated under this subsection for administration costs for serving as the fiscal agent. The allocation provided to each intermediate district serving as a fiscal agent is an amount equal to what the intermediate district received in 2018-2019.

(5) To be an eligible fiscal agent, an intermediate district must agree to do the following in a form and manner determined by the department:

(a) Distribute funds to adult education programs in a prosperity region or subregion as described in this section.

(b) Collaborate with the career and educational advisory council, which is an advisory council of the workforce development boards located in the prosperity region or subregion, or its successor, to develop a regional strategy that aligns adult education programs and services into an efficient and effective delivery system for adult education learners, with special consideration for providing contextualized learning and career pathways and addressing barriers to education and employment.

(c) Collaborate with the career and educational advisory council, which is an advisory council of the

© Courtesy of www.legislature.mi.gov

workforce development boards located in the prosperity region or subregion, or its successor, to create a local process and criteria that will identify eligible adult education providers to receive funds allocated under this section based on location, demand for services, past performance, quality indicators as identified by the department, and cost to provide instructional services. The fiscal agent shall determine all local processes, criteria, and provider determinations. However, the local processes, criteria, and provider services must be approved by the department before funds may be distributed to the fiscal agent.

(d) Provide oversight to its adult education providers throughout the program year to ensure compliance with the requirements of this section.

(e) Report adult education program and participant data and information as prescribed by the department.

(6) An adult basic education program, an adult secondary education program, or an adult English as a second language program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who are determined by a department-approved assessment, in a form and manner prescribed by the department, to be below twelfth grade level in reading or mathematics, or both, or to lack basic English proficiency.

(b) The program tests individuals for eligibility under subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A participant in an adult basic education program is eligible for reimbursement until 1 of the following occurs:

(*i*) The participant's reading and mathematics proficiency are assessed at or above the ninth grade level.

(*ii*) The participant fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction.

(d) A participant in an adult secondary education program is eligible for reimbursement until 1 of the following occurs:

(*i*) The participant's reading and mathematics proficiency are assessed above the twelfth grade level.

(*ii*) The participant fails to show progress on 2 successive assessments after having at least 450 hours of instruction.

(e) A funding recipient enrolling a participant in an English as a second language program is eligible for funding according to subsection (9) until the participant meets 1 of the following:

(*i*) The participant is assessed as having attained basic English proficiency as determined by a department-approved assessment.

(*ii*) The participant fails to show progress on 2 successive department-approved assessments after having completed at least 450 hours of instruction. The department shall provide information to a funding recipient regarding appropriate assessment instruments for this program.

(7) A high school equivalency test preparation program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma or a high school equivalency certificate.

(b) The program administers a pre-test approved by the department before enrolling an individual to determine the individual's literacy levels, administers a high school equivalency practice test to determine the individual's potential for success on the high school equivalency test, and administers a post-test upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient receives funding according to subsection (9) for a participant, and a participant may be enrolled in the program until 1 of the following occurs:

(*i*) The participant achieves a high school equivalency certificate.

(*ii*) The participant fails to show progress on 2 successive department-approved assessments used to determine readiness to take a high school equivalency test after having completed at least 450 hours of instruction.

(8) A high school completion program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma.

(b) The program tests participants described in subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient receives funding according to subsection (9) for a participant in a course offered under this subsection until 1 of the following occurs:

(*i*) The participant passes the course and earns a high school diploma.

(*ii*) The participant fails to earn credit in 2 successive semesters or terms in which the participant is enrolled after having completed at least 900 hours of instruction.

© Courtesy of www.legislature.mi.gov

(9) The department shall make payments to a funding recipient under this section in accordance with all of the following:

(a) Statewide allocation criteria, including 3-year average enrollments, census data, and local needs.

(b) Participant completion of the adult basic education objectives by achieving an educational gain as determined by the national reporting system levels; for achieving basic English proficiency, as determined by the department; for achieving a high school equivalency certificate or passage of 1 or more individual high school equivalency tests; for attainment of a high school diploma or passage of a course required for a participant to attain a high school diploma; for enrollment in a postsecondary institution, or for entry into or retention of employment, as applicable.

(c) Participant completion of core indicators as identified in the innovation and opportunity act.

(d) Allowable expenditures.

(10) A person who is not eligible to be a participant funded under this section may receive adult education services upon the payment of tuition. In addition, a person who is not eligible to be served in a program under this section due to the program limitations specified in subsection (6), (7), or (8) may continue to receive adult education services in that program upon the payment of tuition. The local or intermediate district conducting the program shall determine the tuition amount.

(11) An individual who is an inmate in a state correctional facility is not counted as a participant under this section.

(12) A funding recipient shall not commingle money received under this section or from another source for adult education purposes with any other funds and shall establish a separate ledger account for funds received under this section. This subsection does not prohibit a district from using general funds of the district to support an adult education or community education program.

(13) A funding recipient receiving funds under this section may establish a sliding scale of tuition rates based upon a participant's family income. A funding recipient may charge a participant tuition to receive adult education services under this section from that sliding scale of tuition rates on a uniform basis. The amount of tuition charged per participant must not exceed the actual operating cost per participant minus any funds received under this section per participant. A funding recipient may not charge a participant tuition under this section if the participant's income is at or below 200% of the federal poverty guidelines published by the United States Department of Health and Human Services.

(14) In order to receive funds under this section, a funding recipient shall furnish to the department, in a form and manner determined by the department, all information needed to administer this program and meet federal reporting requirements; shall allow the department or the department's designee to review all records related to the program for which it receives funds; and shall reimburse the state for all disallowances found in the review, as determined by the department. In addition, a funding recipient shall agree to pay to a career and technical education program under section 61a the amount of funding received under this section in the proportion of career and technical education coursework used to satisfy adult basic education programming, as billed to the funding recipient by programs operating under section 61a. In addition to the funding allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $500,000.00 to reimburse funding recipients for administrative and instructional expenses associated with commingling programming under this section and section 61a. The department shall make payments under this subsection to each funding recipient in the same proportion as funding calculated and allocated under subsection (4).

(15) From the amount appropriated in subsection (1), an amount not to exceed $4,000,000.00 is allocated for 2020-2021 for grants to adult education or state-approved career technical center programs that connect adult education participants with employers as provided under this subsection. The department shall determine the amount of the grant to each program under this subsection, not to exceed $350,000.00. To be eligible for funding under this subsection, a program must provide a collaboration linking adult education programs within the county, the area career technical center, and local employers. To receive funding under this subsection, an eligible program must satisfy all of the following:

(a) Connect adult education participants directly with employers by linking adult education, career and technical skills, and workforce development.

(b) Require adult education staff to work with Michigan Works! agency to identify a cohort of participants who are most prepared to successfully enter the workforce. Except as otherwise provided under this subdivision, participants identified under this subsection must be dually enrolled in adult education programming and in at least 1 state-approved technical course at the area career and technical center. A program that links participants identified under this subsection with adult education programming and commercial driver license courses does not need to enroll the participants in at least 1 state-approved technical course at the area career and technical center to be considered an eligible program under this subsection.

© Courtesy of www.legislature.mi.gov

(c) Employ an individual staffed as an adult education navigator who will serve as a caseworker for each participant identified under subdivision (b). The navigator shall work with adult education staff and potential employers to design an educational program best suited to the personal and employment needs of the participant and shall work with human service agencies or other entities to address any barrier in the way of participant access.

(16) Each program funded under subsection (15) will receive funding for 3 years. After 3 years of operations and funding, a program must reapply for funding.

(17) Not later than December 1 of each year, a program funded under subsection (15) shall provide a report to the senate and house appropriations subcommittees on school aid, to the senate and house fiscal agencies, and to the state budget director identifying the number of participants, graduation rates, and a measure of transition to employment.

(18) It is the intent of the legislature to implement a phased-in cap on the percentage of adult education participants under subsection (15) that may already have a high school diploma or a high school equivalency certificate at the time of enrollment.

(19) The department shall approve at least 3 high school equivalency tests and determine whether a high school equivalency certificate meets the requisite standards for high school equivalency in this state.

(20) As used in this section:

(a) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a prosperity region consisting of educational, employer, labor, and parent representatives.

(b) "Career pathway" means a combination of rigorous and high-quality education, training, and other services that comply with all of the following:

(*i*) Aligns with the skill needs of industries in the economy of this state or in the regional economy involved.

(*ii*) Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the act of August 16, 1937 (commonly known as the "national apprenticeship act"), 29 USC 50 et seq.

(*iii*) Includes counseling to support an individual in achieving the individual's education and career goals.

(*iv*) Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

(*v*) Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable.

(*vi*) Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential.

(*vii*) Helps an individual enter or advance within a specific occupation or occupational cluster.

(c) "Department" means the department of labor and economic opportunity.

(d) "Eligible adult education provider" means a district, intermediate district, a consortium of districts, a consortium of intermediate districts, or a consortium of districts and intermediate districts that is identified as part of the local process described in subsection (5)(c) and approved by the department.

History: Add. 1996, Act 300, Imd. Eff. June 19, 1996;—Am. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1707, which pertained to adult education programs, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

In subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

In subdivision (3)(a), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.

In subdivision (3)(b), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated

© Courtesy of www.legislature.mi.gov

by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Subsection (16), as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00.

"Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

****** 388.1707.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1707.amended Adult education programs; eligibility requirements; calculation of payments; definitions.

Sec. 107. (1) From the appropriation in section 11, there is allocated an amount not to exceed $30,000,000.00 for 2021-2022 for adult education programs authorized under this section. Except as otherwise provided under subsections (14) and (15), funds allocated under this section are restricted for adult education programs as authorized under this section only. A recipient of funds under this section shall not use those funds for any other purpose.

(2) To be eligible for funding under this section, an eligible adult education provider shall employ certificated teachers and qualified administrative staff and shall offer continuing education opportunities for teachers to allow them to maintain certification.

(3) To be eligible to be a participant funded under this section, an individual must be enrolled in an adult basic education program, an adult secondary education program, an adult English as a second language program, a high school equivalency test preparation program, or a high school completion program, that meets the requirements of this section, and for which instruction is provided, and the individual must be at least 18 years of age by July 1 of the program year and the individual's graduating class must have graduated.

(4) By April 1 of each fiscal year, the intermediate districts within a prosperity region or subregion shall determine which intermediate district will serve as the prosperity region's or subregion's fiscal agent for the next fiscal year and shall notify the department in a form and manner determined by the department. The department shall approve or disapprove of the prosperity region's or subregion's selected fiscal agent. From the funds allocated under subsection (1), an amount as determined under this subsection is allocated to each intermediate district serving as a fiscal agent for adult education programs in each of the prosperity regions or subregions identified by the department. An intermediate district shall not use more than 5% of the funds

© Courtesy of www.legislature.mi.gov

allocated under this subsection for administration costs for serving as the fiscal agent. The allocation provided to each intermediate district serving as a fiscal agent must be calculated as follows:

(a) Sixty percent of this portion of the funding must be distributed based upon the proportion of the state population of individuals between the ages of 18 and 24 that are not high school graduates that resides in each of the prosperity regions or subregions located within the intermediate district, as reported by the most recent 5-year estimates from the American Community Survey (ACS) from the United States Census Bureau.

(b) Thirty-five percent of this portion of the funding must be distributed based upon the proportion of the state population of individuals age 25 or older who are not high school graduates that resides in each of the prosperity regions or subregions located within the intermediate district, as reported by the most recent 5-year estimates from the ACS from the United States Census Bureau.

(c) Five percent of this portion of the funding must be distributed based upon the proportion of the state population of individuals age 18 or older who lack basic English language proficiency that resides in each of the prosperity regions or subregions located within the intermediate district, as reported by the most recent 5-year estimates from the ACS from the United States Census Bureau.

(5) To be an eligible fiscal agent, an intermediate district must agree to do the following in a form and manner determined by the department:

(a) Distribute funds to adult education programs in a prosperity region or subregion as described in this section.

(b) Collaborate with the career and educational advisory council, which is an advisory council of the workforce development boards located in the prosperity region or subregion, or its successor, to develop a regional strategy that aligns adult education programs and services into an efficient and effective delivery system for adult education learners, with special consideration for providing contextualized learning and career pathways and addressing barriers to education and employment.

(c) Collaborate with the career and educational advisory council, which is an advisory council of the workforce development boards located in the prosperity region or subregion, or its successor, to create a local process and criteria that will identify eligible adult education providers to receive funds allocated under this section based on location, demand for services, past performance, quality indicators as identified by the department, and cost to provide instructional services. The fiscal agent shall determine all local processes, criteria, and provider determinations. However, the local processes, criteria, and provider services must be approved by the department before funds may be distributed to the fiscal agent.

(d) Provide oversight to its adult education providers throughout the program year to ensure compliance with the requirements of this section.

(e) Report adult education program and participant data and information as prescribed by the department.

(6) An adult basic education program, an adult secondary education program, or an adult English as a second language program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who are determined by a department-approved assessment, in a form and manner prescribed by the department, to be below twelfth grade level in reading or mathematics, or both, or to lack basic English proficiency.

(b) The program tests individuals for eligibility under subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A participant in an adult basic education program is eligible for reimbursement until 1 of the following occurs:

(*i*) The participant's reading and mathematics proficiency are assessed at or above the ninth grade level.

(*ii*) The participant fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction.

(d) A participant in an adult secondary education program is eligible for reimbursement until 1 of the following occurs:

(*i*) The participant's reading and mathematics proficiency are assessed above the twelfth grade level.

(*ii*) The participant fails to show progress on 2 successive assessments after having at least 450 hours of instruction.

(e) A funding recipient enrolling a participant in an English as a second language program is eligible for funding according to subsection (9) until the participant meets 1 of the following:

(*i*) The participant is assessed as having attained basic English proficiency as determined by a department-approved assessment.

(*ii*) The participant fails to show progress on 2 successive department-approved assessments after having completed at least 450 hours of instruction. The department shall provide information to a funding recipient regarding appropriate assessment instruments for this program.

© Courtesy of www.legislature.mi.gov

(7) A high school equivalency test preparation program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma or a high school equivalency certificate.

(b) The program administers a pre-test approved by the department before enrolling an individual to determine the individual's literacy levels, administers a high school equivalency practice test to determine the individual's potential for success on the high school equivalency test, and administers a post-test upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient receives funding according to subsection (9) for a participant, and a participant may be enrolled in the program until 1 of the following occurs:

(*i*) The participant achieves a high school equivalency certificate.

(*ii*) The participant fails to show progress on 2 successive department-approved assessments used to determine readiness to take a high school equivalency test after having completed at least 450 hours of instruction.

(8) A high school completion program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma.

(b) The program tests participants described in subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient receives funding according to subsection (9) for a participant in a course offered under this subsection until 1 of the following occurs:

(*i*) The participant passes the course and earns a high school diploma.

(*ii*) The participant fails to earn credit in 2 successive semesters or terms in which the participant is enrolled after having completed at least 900 hours of instruction.

(9) The department shall make payments to a funding recipient under this section in accordance with all of the following:

(a) Statewide allocation criteria, including 3-year average enrollments, census data, and local needs.

(b) Participant completion of the adult basic education objectives by achieving an educational gain as determined by the national reporting system levels; for achieving basic English proficiency, as determined by the department; for achieving a high school equivalency certificate or passage of 1 or more individual high school equivalency tests; for attainment of a high school diploma or passage of a course required for a participant to attain a high school diploma; for enrollment in a postsecondary institution, or for entry into or retention of employment, as applicable.

(c) Participant completion of core indicators as identified in the innovation and opportunity act.

(d) Allowable expenditures.

(10) A person who is not eligible to be a participant funded under this section may receive adult education services upon the payment of tuition. In addition, a person who is not eligible to be served in a program under this section due to the program limitations specified in subsection (6), (7), or (8) may continue to receive adult education services in that program upon the payment of tuition. The local or intermediate district conducting the program shall determine the tuition amount.

(11) An individual who is an inmate in a state correctional facility is not counted as a participant under this section.

(12) A funding recipient shall not commingle money received under this section or from another source for adult education purposes with any other funds and shall establish a separate ledger account for funds received under this section. This subsection does not prohibit a district from using general funds of the district to support an adult education or community education program.

(13) A funding recipient receiving funds under this section may establish a sliding scale of tuition rates based upon a participant's family income. A funding recipient may charge a participant tuition to receive adult education services under this section from that sliding scale of tuition rates on a uniform basis. The amount of tuition charged per participant must not exceed the actual operating cost per participant minus any funds received under this section per participant. A funding recipient may not charge a participant tuition under this section if the participant's income is at or below 200% of the federal poverty guidelines published by the United States Department of Health and Human Services.

(14) In order to receive funds under this section, a funding recipient shall furnish to the department, in a form and manner determined by the department, all information needed to administer this program and meet federal reporting requirements; shall allow the department or the department's designee to review all records related to the program for which it receives funds; and shall reimburse the state for all disallowances found in the review, as determined by the department. In addition, a funding recipient shall agree to pay to a career and

© Courtesy of www.legislature.mi.gov

technical education program under section 61a the amount of funding received under this section in the proportion of career and technical education coursework used to satisfy adult basic education programming, as billed to the funding recipient by programs operating under section 61a. In addition to the funding allocated under subsection (1), there is allocated for 2021-2022 an amount not to exceed $500,000.00 to reimburse funding recipients for administrative and instructional expenses associated with commingling programming under this section and section 61a. The department shall make payments under this subsection to each funding recipient in the same proportion as funding calculated and allocated under subsection (4).

(15) From the amount appropriated in subsection (1), an amount not to exceed $4,000,000.00 is allocated for 2021-2022 for grants to adult education or state-approved career technical center programs that connect adult education participants with employers as provided under this subsection. The department shall determine the amount of the grant to each program under this subsection, not to exceed $350,000.00. To be eligible for funding under this subsection, a program must provide a collaboration linking adult education programs within the county, the area career technical center, and local employers. To receive funding under this subsection, an eligible program must satisfy all of the following:

(a) Connect adult education participants directly with employers by linking adult education, career and technical skills, and workforce development.

(b) Require adult education staff to work with Michigan Works! agency to identify a cohort of participants who are most prepared to successfully enter the workforce. Except as otherwise provided under this subdivision, participants identified under this subsection must be dually enrolled in adult education programming and in at least 1 state-approved technical course at the area career and technical center. A program that links participants identified under this subsection with adult education programming and commercial driver license courses does not need to enroll the participants in at least 1 state-approved technical course at the area career and technical center to be considered an eligible program under this subsection.

(c) Employ an individual staffed as an adult education navigator who will serve as a caseworker for each participant identified under subdivision (b). The navigator shall work with adult education staff and potential employers to design an educational program best suited to the personal and employment needs of the participant and shall work with human service agencies or other entities to address any barrier in the way of participant access.

(16) Each program funded under subsection (15) will receive funding for 3 years. After 3 years of operations and funding, a program must reapply for funding.

(17) Not later than December 1 of each year, a program funded under subsection (15) shall provide a report to the senate and house appropriations subcommittees on school aid, to the senate and house fiscal agencies, and to the state budget director identifying the number of participants, graduation rates, and a measure of transition to employment.

(18) Except as otherwise provided in this subsection, participants under subsection (15) must be concurrently enrolled and actively working toward obtaining a high school diploma or a high school equivalency certificate. Concurrent enrollment is not required under this subsection for a participant that was enrolled in adult education during the same program year and obtained a high school diploma or a high school equivalency certificate prior to enrollment in an eligible career and technical skills program under subsection (15). Up to 25% of adult education participants served under subsection (15) may already have a high school diploma or a high school equivalency certificate at the time of enrollment in an eligible career and technical skills program under subsection (15) and receive remediation services. It is intended that the cap described in the immediately preceding sentence is continually lowered on an annual basis until it eventually is 0%.

(19) The department shall approve at least 3 high school equivalency tests and determine whether a high school equivalency certificate meets the requisite standards for high school equivalency in this state.

(20) As used in this section:

(a) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a prosperity region consisting of educational, employer, labor, and parent representatives.

(b) "Career pathway" means a combination of rigorous and high-quality education, training, and other services that comply with all of the following:

(*i*) Aligns with the skill needs of industries in the economy of this state or in the regional economy involved.

(*ii*) Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the act of August 16, 1937, commonly referred to as the national apprenticeship act, 29 USC 50 et seq.

(*iii*) Includes counseling to support an individual in achieving the individual's education and career goals.

© Courtesy of www.legislature.mi.gov

(*iv*) Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

(*v*) Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable.

(*vi*) Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential.

(*vii*) Helps an individual enter or advance within a specific occupation or occupational cluster.

(c) "Department" means the department of labor and economic opportunity.

(d) "Eligible adult education provider" means a district, intermediate district, a consortium of districts, a consortium of intermediate districts, or a consortium of districts and intermediate districts that is identified as part of the local process described in subsection (5)(c) and approved by the department.

History: Add. 1996, Act 300, Imd. Eff. June 19, 1996;—Am. 1997, Act 24, Imd. Eff. June 16, 1997;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2015, Act 139, Eff. Oct. 7, 2015;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1707, which pertained to adult education programs, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

In subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

In subdivision (3)(a), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.

In subdivision (3)(b), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.

Enacting section 3 of Act 521 of 2002 provides:

“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Subsection (16), as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00.

"Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Enacting section 1 of Act 130 of 2013 provides:

© Courtesy of www.legislature.mi.gov

"Enacting section 1. This amendatory act takes effect October 1, 2013."

Enacting section 1 of Act 139 of 2015 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state 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 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1707a Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's note: The repealed section pertained to family resource center curriculum blue ribbon study committee.

388.1707b Repealed. 2005, Act 155, Eff. Oct. 1, 2005.

Compiler's note: The repealed section pertained to adult learning system pilot project.

388.1707c, 388.1707d Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed sections pertained to literacy project grants and adult education categorical grants.

388.1707e Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to adult education programs.

388.1707f Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to adult education programs.

388.1708 Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's note: The repealed section pertained to adult learning programs.

388.1709 Providing appropriate instructional services to pupil requiring hospitalization or confinement at home.

Sec. 109. (1) Subject to subsection (2), in order to receive funds under this article, each district or intermediate district shall provide appropriate instructional services, as determined by the district or intermediate district, to an enrolled pupil who is certified by the pupil's attending physician as having a medical condition that requires the pupil to be hospitalized or confined to his or her home during regular school hours and that is expected to require the hospitalization or confinement for a period longer than 5 school days. The district or intermediate district may provide the services itself or may contract with an intermediate district, a hospital, a treatment center, or another district to provide the services. In choosing a provider for the instructional services, the district or intermediate district shall consider which of those potential providers is best able to deliver the appropriate instructional services. The district or intermediate district shall pay reasonable costs as agreed upon between the district or intermediate district and the provider for services provided to a pupil under this section.

(2) A district or intermediate district is required to provide instructional services under subsection (1) to a pupil placed in a hospital, treatment center, or other treatment facility without the district's or intermediate district's prior knowledge only if the district or intermediate district is notified of the pupil's placement by the hospital, treatment center, facility, or the pupil's parent or legal guardian. Upon being notified, the district or intermediate district shall make arrangements to provide instructional services under subsection (1) within 3 school days after being notified.

(3) Not later than October 15 of each odd-numbered year, the department shall prepare and distribute electronically to each district and intermediate district and make available on its website an explanation of the operation of this section and the respective duties of all affected parties. The department shall provide a copy of the explanation electronically to any other person upon request.

History: Add. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 2011, Act 62, Eff. Oct. 1, 2011.

388.1711 Tuition rates; computation; uniformity.

Sec. 111. A district having tuition pupils enrolled on the pupil membership count day of each year may charge the district of residence an amount for tuition that does not exceed the tuition rate computed under section 1401 of the revised school code, MCL 380.1401. The rate charged by a district shall be uniform within each category of tuition pupils enrolled in the district. However, for a tuition pupil who resides in a K-5, K-6, or K-8 district and who is enrolled in a grade not offered by the pupil's district of residence, the tuition rate charged to the pupil's district of residence shall not exceed the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district, whichever is greater.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982

© Courtesy of www.legislature.mi.gov

;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984;—Am. 1985, Act 4, Imd. Eff. Mar. 27, 1985;—Am. 1986, Act 97, Imd. Eff. May 14, 1986;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1995;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997.

Compiler's note: In his veto message relative to Enrolled House Bill 4572, which became Act 118 of 1991, the governor stated that "the tradition of not re-enacting annually the unchanged appropriation sections of the school aid act is constitutionally flawed. It assumes the invalid creation of a continuing appropriation. Therefore, the following sections of the school aid act and their associated allocations must be considered inoperative: 24, 55, 74, 75, 105a, 111, and 116. These sections will be treated as excluded from the current bill... ."

388.1712 Full-day kindergarten; tuition or fee prohibited.

Sec. 112. A district receiving funds under this act shall not charge tuition or any other fee for full-day kindergarten for a pupil who is eligible to enroll in the district.

History: Add. 1997, Act 93, Eff. Oct. 1, 1997.

388.1713 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to pupils residing in juvenile or detention home and attending school by court direction.

388.1716 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to American Indian pupils.

388.1717 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to charging legal amount of tuition as requirement for allotment or payment.

388.1718 Conditions for allotment or payment; failure to pay full amount; remittance; deduction from school aid.

Sec. 118. (1) Subject to subsection (3), a district shall not be allotted or paid a sum under this act unless that district pays the agreed-upon amount of tuition or other payment for pupils educated outside the boundaries of the pupil's district of residence.

(2) A district that sends pupils to 1 or more districts, that is legally liable for the payment of the amount described in subsection (1), and that fails to pay that amount in full before April 1 of each year shall remit the full amount owed to the receiving district before making any other financial expenditure or commitment for the next school fiscal year.

(3) The department shall not deduct any amount from a district's state school aid pursuant to this section unless the receiving district demonstrates to the satisfaction of the department, not later than April 30 of the same fiscal year, that the liable district has not paid the required amount as described in subsection (2).

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1995, Act 130, Eff. Oct. 1, 1995.

388.1721 Valuation of district; adjustments.

Sec. 121. (1) The valuation of a whole or fractional district shall be the total taxable value of the property contained in the whole or fractional district as last determined by the state tax commission and placed on the ad valorem tax roll. For purposes of computations made under this act, except as provided in section 26, the taxable value of a district or intermediate district shall include the value of property used to calculate the tax imposed on lessees or users of tax-exempt property under 1953 PA 189, MCL 211.181 to 211.182, and the value of property used to calculate the state payment in lieu of taxes on state purchased property under section 2153 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2153. Adjustments to this taxable value shall be made for all of the following:

(a) State tax tribunal decisions.

(b) Court decisions.

(c) Local board of review adjustments made after the state tax commission determination.

(d) Lands deeded to the state for jurisdictions without delinquent tax revolving funds or for jurisdictions that have required repayment to the delinquent tax revolving funds.

(e) The requirements of this act.

(2) Adjustments under subsection (1) shall not be made for more than the 6 state fiscal years immediately preceding the state fiscal year in which the adjustment is made, except that an adjustment pursuant to a state tax tribunal decision or court decision shall be made for the tax years involved in the decision and any subsequent years affected by the decision.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 2006, Act

© Courtesy of www.legislature.mi.gov

342, Eff. Oct. 1, 2006.

Compiler's note: Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

388.1721a Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to state education tax.

388.1722 Deducting valuation of property from valuation of district; condition; credit as lien; payment of school aid fund.

Sec. 122. The valuation of property assessed under Act No. 189 of the Public Acts of 1953, as amended, being sections 211.181 to 211.182 of the Michigan Compiled Laws, shall be deducted from the total valuation of a district if school taxes levied against the property are not collected from the lessee or user of the property. The credit so obtained by a district in the calculation of payments to the district under this act shall remain a lien against the district and shall be paid by the district to the school aid fund when the taxes are collected.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1993, Act 336, Eff. Oct. 1, 1994.

388.1724 Reducing valuation of district when taxes paid under certain conditions; credits as lien against district; payment to school aid fund; implementation of subsection (2).

Sec. 124. (1) If taxes levied for operating purposes against property constituting at least 5% of the valuation of a district are paid under protest and, therefore, are unavailable to the district, the total valuation of the district for the purposes of this act shall be reduced by the valuation of the property. The credits so obtained by a district in the calculation of payments to the district under this act shall remain a lien against the district and shall be paid by the district to the school aid fund when the taxes are collected.

(2) If taxes levied for operating purposes against property constituting at least 5% of the valuation of a district are not paid by a single bankrupt debtor that files for reorganization under chapter 11 of title 11 of the United States Code, 11 U.S.C. 1101 to 1174, and, therefore, are unavailable to the district, the total valuation of the district for the purposes of this act shall be reduced by the valuation of the property. The credits so obtained by a district in the calculation of payments to the district under this act shall remain a lien against the district and shall be paid by the district to the school aid fund when the taxes are collected. This subsection shall be implemented upon verification by the department that the district has taken proper action to attempt to secure payment of taxes by the bankrupt debtor.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1987, Act 17, Imd. Eff. Apr. 24, 1987;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Imd. Eff. June 30, 1995;—Am. 1997, Act 93, Eff. Oct. 1, 1997.

388.1743-388.1744a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed sections pertained to amounts allocated to eligible districts, allocations to applicants sustaining SEV reduction due to listing of forest land, deductions of amounts, and sources of revenue.

388.1745 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to state share of desegregation costs.

388.1746 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed section pertained to social security and medicare obligations.

388.1746a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to payments to districts for social security and medicare.

****** 388.1747 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1747.amended ******

388.1747 Allocations to public school employees' retirement system; contribution rates.

Sec. 147. (1) The allocation for 2020-2021 for the public school employees' retirement system pursuant to the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, is made using the individual projected benefit entry age normal cost method of valuation and risk assumptions adopted by the public school employees retirement board and the department of technology, management, and budget.

© Courtesy of www.legislature.mi.gov

(2) The annual level percentage of payroll contribution rates for the 2020-2021 fiscal year, as determined by the retirement system, are estimated as follows:

(a) For public school employees who first worked for a public school reporting unit before July 1, 2010 and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 42.72% with 28.21% paid directly by the employer.

(b) For public school employees who first worked for a public school reporting unit on or after July 1, 2010 and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 39.76% with 25.25% paid directly by the employer.

(c) For public school employees who first worked for a public school reporting unit on or after July 1, 2010 and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 38.90% with 24.39% paid directly by the employer.

(d) For public school employees who first worked for a public school reporting unit on or after September 4, 2012, who elect defined contribution, and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 35.47% with 20.96% paid directly by the employer.

(e) For public school employees who first worked for a public school reporting unit before July 1, 2010, who elect defined contribution, and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 36.33% with 21.82% paid directly by the employer.

(f) For public school employees who first worked for a public school reporting unit before July 1, 2010, who elect defined contribution, and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 35.47% with 20.96% paid directly by the employer.

(g) For public school employees who first worked for a public school reporting unit before July 1, 2010 and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 41.86% with 27.35% paid directly by the employer.

(h) For public school employees who first worked for a public school reporting unit after January 31, 2018 and who elect to become members of the MPSERS plan, the annual level percentage of payroll contribution rate is estimated at 41.67% with 27.16% paid directly by the employer.

(3) In addition to the employer payments described in subsection (2), the employer shall pay the applicable contributions to the Tier 2 plan, as determined by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(4) The contribution rates in subsection (2) reflect an amortization period of 18 years for 2020-2021. The public school employees' retirement system board shall notify each district and intermediate district by February 28 of each fiscal year of the estimated contribution rate for the next fiscal year.

History: Add. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.

"Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

© Courtesy of www.legislature.mi.gov

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00.

"Enacting section 1 of Act 92 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

****** 388.1747.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1747.amended Allocations to public school employees' retirement system; contribution rates.

Sec. 147. (1) The allocation for 2021-2022 for the public school employees' retirement system pursuant to the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, is made using the individual projected benefit entry age normal cost method of valuation and risk assumptions adopted by the public school employees retirement board and the department of technology, management, and budget.

(2) The annual level percentage of payroll contribution rates for the 2021-2022 fiscal year, as determined by the retirement system, are estimated as follows:

(a) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit before July 1, 2010 and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 43.28% with 28.23% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(b) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit on or after July 1, 2010 and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 40.36% with 25.31% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(c) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit on or after July 1, 2010 and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 39.50% with 24.45% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(d) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit on or after September 4, 2012, who elect defined contribution, and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 36.01% with 20.96% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system

© Courtesy of www.legislature.mi.gov

makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(e) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit before July 1, 2010, who elect defined contribution, and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 36.87% with 21.82% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(f) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit before July 1, 2010, who elect defined contribution, and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 36.01% with 20.96% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(g) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit before July 1, 2010 and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 42.42% with 27.37% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(h) Except as otherwise provided in this subdivision, for public school employees who first worked for a public school reporting unit after January 31, 2018 and who elect to become members of the MPSERS plan, the annual level percentage of payroll contribution rate is estimated at 42.21% with 27.16% paid directly by the employer. For 2021-2022, if the retirement system determines that the annual level percentage of payroll contribution rate estimated in the immediately preceding sentence needs to be adjusted, the annual level percentage of payroll contribution rate estimations under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(3) In addition to the employer payments described in subsection (2), the employer shall pay the applicable contributions to the Tier 2 plan, as determined by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(4) The contribution rates in subsection (2) reflect an amortization period of 17 years for 2021-2022. The public school employees' retirement system board shall notify each district and intermediate district by February 28 of each fiscal year of the estimated contribution rate for the next fiscal year.

History: Add. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1994, Act 283, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001;—Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002;—Am. 2002, Act 521, Imd. Eff. July 25, 2002;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007;—Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Enacting section 3 of Act 521 of 2002 provides:

"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated

© Courtesy of www.legislature.mi.gov

by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.

Enacting section 1 of Act 351 of 2004 provides:

“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.

”Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00.

"Enacting section 1 of Act 92 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1747a Payments to participating entities of the Michigan public school employees' retirement system; use; purpose; "participating district" defined; payments to participating districts and district libraries; definitions.

Sec. 147a. (1) From the appropriation in section 11, there is allocated for 2020-2021 an amount not to exceed $100,000,000.00 and for 2021-2022 an amount not to exceed $100,000,000.00 for payments to participating districts. A participating district that receives money under this subsection shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the district for the fiscal year in which it is received. The amount allocated to each participating district under this subsection is based on each participating district's percentage of the total statewide payroll for all participating districts for the immediately preceding fiscal year. As used in this subsection, "participating district" means a district that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(2) In addition to the allocation under subsection (1), from the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $190,430,000.00 for 2020-2021 and an amount not to exceed $177,400,000.00 for 2021-2022 for payments to participating districts and intermediate districts and from the general fund money appropriated under section 11, there is allocated an amount not to exceed $70,000.00 for 2020-2021 and an amount not to exceed $60,000.00 for 2021-2022 for payments to participating district libraries. The amount allocated to each participating entity under this subsection is based on each participating entity's reported quarterly payroll for members that became tier 1 prior to February 1, 2018 for the current fiscal year. A participating entity that receives money under this subsection shall use that money solely for the purpose of offsetting a portion of the normal cost contribution rate. As used in this subsection:

(a) "District library" means a district library established under the district library establishment act, 1989 PA 24, MCL 397.171 to 397.196.

(b) "Participating entity" means a district, intermediate district, or district library that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff.

© Courtesy of www.legislature.mi.gov

Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021
.

Compiler's note: Enacting section 1 of Act 130 of 2013 provides:
"Enacting section 1. This amendatory act takes effect October 1, 2013."

****** 388.1747b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1747b.amended ******

388.1747b MPSERS retirement obligation reform reserve fund; creation; investment; interest and earnings.

Sec. 147b. (1) The MPSERS retirement obligation reform reserve fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the MPSERS retirement obligation reform reserve fund. The state treasurer shall direct the investment of the MPSERS retirement obligation reform reserve fund. The state treasurer shall credit to the MPSERS retirement obligation reform reserve fund interest and earnings from the MPSERS retirement obligation reform reserve fund.

(3) Money available in the MPSERS retirement obligation reform reserve fund shall not be expended without a specific appropriation.

(4) Money in the MPSERS retirement obligation reform reserve fund at the close of the fiscal year shall remain in the MPSERS retirement obligation reform reserve fund and shall not lapse to the state school aid fund or to the general fund. The department of treasury shall be the administrator of the MPSERS retirement obligation reform reserve fund for auditing purposes.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

****** 388.1747b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1747b.amended MPSERS retirement obligation reform reserve fund; creation; investment; interest and earnings.

Sec. 147b. (1) The MPSERS retirement obligation reform reserve fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the MPSERS retirement obligation reform reserve fund. The state treasurer shall direct the investment of the MPSERS retirement obligation reform reserve fund. The state treasurer shall credit to the MPSERS retirement obligation reform reserve fund interest and earnings from the MPSERS retirement obligation reform reserve fund.

(3) Money available in the MPSERS retirement obligation reform reserve fund must not be expended without a specific appropriation.

(4) Money in the MPSERS retirement obligation reform reserve fund at the close of the fiscal year remains in the MPSERS retirement obligation reform reserve fund and does not lapse to the state school aid fund or to the general fund. The department of treasury is the administrator of the MPSERS retirement obligation reform reserve fund for auditing purposes.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

****** 388.1747c THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1747c.amended ******

388.1747c Payments to participating entities of retirement system; installment; definitions.

Sec. 147c. From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $1,219,300,000.00 for payments to districts and intermediate districts that are participating entities of the Michigan public school employees' retirement system. In addition, from the general fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $500,000.00 for payments to district libraries that are participating entities of the Michigan public school employees' retirement system. All of the following apply to funding under this subsection:

(a) For 2020-2021, the amounts allocated under this subsection are estimated to provide an average MPSERS rate cap per pupil amount of $827.00 and are estimated to provide a rate cap per pupil for districts ranging between $5.00 and $4,000.00.

© Courtesy of www.legislature.mi.gov

(b) Payments made under this subsection are equal to the difference between the unfunded actuarial accrued liability contribution rate as calculated pursuant to section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, as calculated without taking into account the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, and the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341.

(c) The amount allocated to each participating entity under this subsection is based on each participating entity's proportion of the total covered payroll for the immediately preceding fiscal year for the same type of participating entities. A participating entity that receives funds under this subsection shall use the funds solely for the purpose of retirement contributions as specified in subdivision (d).

(d) Each participating entity receiving funds under this subsection shall forward an amount equal to the amount allocated under subdivision (c) to the retirement system in a form, manner, and time frame determined by the retirement system.

(e) Funds allocated under this subsection should be considered when comparing a district's growth in total state aid funding from 1 fiscal year to the next.

(f) Not later than December 20, 2020, the department shall publish and post on its website an estimated MPSERS rate cap per pupil for each district.

(g) The office of retirement services shall first apply funds allocated under this subsection to pension contributions and, if any funds remain after that payment, shall apply those remaining funds to other postemployment benefit contributions.

(h) As used in this section:

(*i*) "District library" means a district library established under the district library establishment act, 1989 PA 24, MCL 397.171 to 397.196.

(*ii*) "MPSERS rate cap per pupil" means an amount equal to the quotient of the district's payment under this subsection divided by the district's pupils in membership.

(*iii*) "Participating entity" means a district, intermediate district, or district library that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(*iv*) "Retirement board" means the board that administers the retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(*v*) "Retirement system" means the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

****** 388.1747c.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1747c.amended Payments to participating entities of MPSERS; installment; definitions.

Sec. 147c. From the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $1,468,500,000.00 for payments to districts and intermediate districts that are participating entities of the Michigan public school employees' retirement system. In addition, from the general fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $500,000.00 for payments to district libraries that are participating entities of the Michigan public school employees' retirement system. All of the following apply to funding under this section:

(a) Except as otherwise provided in this subdivision, for 2021-2022, the amounts allocated under this section are estimated to provide an average MPSERS rate cap per pupil amount of $911.00 and are estimated to provide a rate cap per pupil for districts ranging between $5.00 and $4,200.00. For 2021-2022, if the retirement system determines the average MPSERS rate cap per pupil amount and rate cap per pupil for districts estimated in the immediately preceding sentence need to be adjusted, the estimated average MPSERS rate cap per pupil amount and estimated rate cap per pupil for districts under this subdivision are the estimations determined by the retirement system. If the retirement system makes a determination as described in the immediately preceding sentence, it shall issue its estimations publicly and describe the need for the adjustment described in the immediately preceding sentence.

(b) Payments made under this section are equal to the difference between the unfunded actuarial accrued liability contribution rate as calculated pursuant to section 41 of the public school employees retirement act of

© Courtesy of www.legislature.mi.gov

1979, 1980 PA 300, MCL 38.1341, as calculated without taking into account the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, and the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341.

(c) The amount allocated to each participating entity under this section is based on each participating entity's proportion of the total covered payroll for the immediately preceding fiscal year for the same type of participating entities. A participating entity that receives funds under this section shall use the funds solely for the purpose of retirement contributions as specified in subdivision (d).

(d) Each participating entity receiving funds under this section shall forward an amount equal to the amount allocated under subdivision (c) to the retirement system in a form, manner, and time frame determined by the retirement system.

(e) Funds allocated under this section should be considered when comparing a district's growth in total state aid funding from 1 fiscal year to the next.

(f) Not later than December 20, 2021, the department shall publish and post on its website an estimated MPSERS rate cap per pupil for each district.

(g) The office of retirement services shall first apply funds allocated under this section to pension contributions and, if any funds remain after that payment, shall apply those remaining funds to other postemployment benefit contributions.

(h) As used in this section:

(*i*) "District library" means a district library established under the district library establishment act, 1989 PA 24, MCL 397.171 to 397.196.

(*ii*) "MPSERS rate cap per pupil" means an amount equal to the quotient of the district's payment under this section divided by the district's pupils in membership.

(*iii*) "Participating entity" means a district, intermediate district, or district library that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(*iv*) "Retirement board" means the board that administers the retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(*v*) "Retirement system" means the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

388.1747d Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to payments to participating entities.

388.1747e Allocation for participating entities; payments; definitions.

Sec. 147e. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $33,800,000.00 and there is allocated for 2021-2022 an amount not to exceed $65,300,000.00 for payments to participating entities.

(2) The payment to each participating entity under this section is the sum of the amounts under this subsection as follows:

(a) An amount equal to the contributions made by a participating entity for the additional contribution made to a qualified participant's Tier 2 account in an amount equal to the contribution made by the qualified participant not to exceed 3% of the qualified participant's compensation as provided for under section 131(6) of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1431.

(b) Beginning October 1, 2017, an amount equal to the contributions made by a participating entity for a qualified participant who is only a Tier 2 qualified participant under section 81d of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1381d, not to exceed 4%, and, beginning February 1, 2018, not to exceed 1%, of the qualified participant's compensation.

(c) An amount equal to the increase in employer normal cost contributions under section 41b(2) of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341b, for a member that was hired after February 1, 2018 and chose to participate in Tier 1, compared to the employer normal cost contribution for a member under section 41b(1) of the public school employees retirement act of 1979, 1980 PA 300, MCL

© Courtesy of www.legislature.mi.gov

38.1341b.

(3) As used in this section:

(a) "Member" means that term as defined under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(b) "Participating entity" means a district, intermediate district, or community college that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(c) "Qualified participant" means that term as defined under section 124 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1424.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Imd. Eff. July 13, 2021 .

388.1748, 388.1749 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed sections pertained to grant to Detroit compact for comprehensive school, business, government, and community partnership, and Michigan partnership for new education.

388.1749a, 388.1749c, Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed sections pertained to dropout prevention program and Detroit compact for comprehensive school, business, government, and community partnerships.

388.1751 Statement of taxable value; report by tax tribunal.

Sec. 151. (1) The treasurer of each county shall furnish to the department, on or before August 1 of each year following the receipt of assessment rolls, a statement of the taxable value of each district and fraction of a district within the county, using forms furnished by the department. On or before May 1 of each year, the treasurer of each county shall submit to the department revisions to the taxable value for the immediately preceding year of each district and fraction of a district within the county, using forms furnished by the department. On or before October 1 of each year, the treasurer of each county shall submit to the department revisions to the taxable value for the years after 1993 of each district and fraction of a district within the county, using forms furnished by the department. The reports required by this subsection shall also contain the amount of ad valorem taxable value captured for school operating taxes under tax increment financing acts.

(2) Not later than the tenth day of each month, the tax tribunal created by the tax tribunal act, 1973 PA 186, MCL 205.701 to 205.779, shall report to the department the changes in taxable value for tax years after 1993 that are not reported to the department under subsection (1) and that are caused by tax tribunal decisions in the immediately preceding month for property that is a principal residence or qualified agricultural property, as defined in section 1211 of the revised school code, MCL 380.1211, and for property that is not a principal residence or qualified agricultural property, in each district and intermediate district. The report shall also contain the amount of taxable value captured under a tax increment financing plan described in subsection (1) for school operating tax purposes.

(3) As used in this section, "tax increment financing acts" means 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, or the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1985, Act 110, Eff. Oct. 1, 1985;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1994, Act 283, Imd. Eff. July 12, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2008, Act 268, Eff. Oct. 1, 2008.

Compiler's note: Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1752 Reports for determination of allocation of funds; information; reports of educational progress.

© Courtesy of www.legislature.mi.gov

Sec. 152. Except for reports due on other dates specified in this act, each district and intermediate district shall furnish to the center or the department, as applicable, before the first Monday in November of each year those reports the department considers necessary for the determination of the allocation of funds under this act. In order to receive funds under this act, each district and intermediate district shall also furnish to the center or the department, as applicable, the information the department considers necessary for the administration of this act, including information necessary to determine compliance with article 16, and for the provision of reports of educational progress to the senate and house committees responsible for education, the senate and house appropriations subcommittees responsible for appropriations to school districts, the senate and house fiscal agencies, and the state budget director, as appropriate. This section does not require a district or intermediate district to submit any information to both the center and the department.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

****** 388.1752a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1752a.amended ******

388.1752a Costs related to state-mandated collection, maintenance, and reporting of data; payments.

Sec. 152a. (1) As required by the court in the consolidated cases known as *Adair v State of Michigan*, 486 Mich 468 (2010), from the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 an amount not to exceed $38,000,500.00 to be used solely for the purpose of paying necessary costs related to the state-mandated collection, maintenance, and reporting of data to this state.

(2) From the allocation in subsection (1), the department shall make payments to districts and intermediate districts in an equal amount per-pupil based on the total number of pupils in membership in each district and intermediate district. The department shall not make any adjustment to these payments after the final installment payment under section 17b is made.

History: Add. 2010, Act 217, Imd. Eff. Dec. 3, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1752a, which pertained to estimates of full-time equated K-12 and part-time membership, was repealed by Act 130 of 1995, Imd. Eff. June 30, 1995.

Enacting section 1 of Act 217 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

****** 388.1752a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1752a.amended Costs related to state-mandated collection, maintenance, and reporting of data; payments.

Sec. 152a. (1) As required by the court in the consolidated cases known as *Adair v State of Michigan*, 486 Mich 468 (2010), from the state school aid fund money appropriated in section 11, there is allocated for 2021-2022 an amount not to exceed $38,000,500.00 to be used solely for the purpose of paying necessary costs related to the state-mandated collection, maintenance, and reporting of data to this state.

(2) From the allocation in subsection (1), the department shall make payments to districts and intermediate districts in an equal amount per pupil based on the total number of pupils in membership in each district and intermediate district. The department shall not make any adjustment to these payments after the final installment payment under section 17b is made.

History: Add. 2010, Act 217, Imd. Eff. Dec. 3, 2010;—Am. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 58, Eff. Oct. 1,

© Courtesy of www.legislature.mi.gov

2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Former MCL 388.1752a, which pertained to estimates of full-time equated K-12 and part-time membership, was repealed by Act 130 of 1995, Imd. Eff. June 30, 1995.

Enacting section 1 of Act 217 of 2010 provides:

"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.

(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

****** 388.1752b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 2021: See 388.1752b.amended ******

388.1752b Actual costs incurred by nonpublic schools complying with health, safety, and welfare requirements; reimbursement; "actual cost" defined; work project; carrying forward unexpended funds.

Sec. 152b. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $2,500,000.00 for 2017-2018 and an amount not to exceed $250,000.00 for 2018-2019 to reimburse actual costs incurred by nonpublic schools in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state.

(2) By January 1 of each applicable fiscal year, the department shall publish a form for reporting actual costs incurred by a nonpublic school in complying with a health, safety, or welfare requirement mandated under state law containing each health, safety, or welfare requirement mandated by a law or administrative rule of this state applicable to a nonpublic school and with a reference to each relevant provision of law or administrative rule for the requirement. The form shall be posted on the department's website in electronic form.

(3) By June 30 of each applicable fiscal year, a nonpublic school seeking reimbursement for actual costs incurred in complying with a health, safety, or welfare requirement under a law or administrative rule of this state during each applicable school year shall submit a completed form described in subsection (2) to the department. This section does not require a nonpublic school to submit a form described in subsection (2). A nonpublic school is not eligible for reimbursement under this section if the nonpublic school does not submit the form described in subsection (2) in a timely manner.

(4) By August 15 of each applicable fiscal year, the department shall distribute funds to each nonpublic school that submits a completed form described under subsection (2) in a timely manner. The superintendent shall determine the amount of funds to be paid to each nonpublic school in an amount that does not exceed the nonpublic school's actual costs in complying with a health, safety, or welfare requirement under a law or administrative rule of this state. The superintendent shall calculate a nonpublic school's actual cost in accordance with this section.

(5) If the funds allocated under this section are insufficient to fully fund payments as otherwise calculated under this section, the department shall distribute funds under this section on a prorated or other equitable basis as determined by the superintendent.

(6) The department may review the records of a nonpublic school submitting a form described in subsection (2) only for the limited purpose of verifying the nonpublic school's compliance with this section. If a nonpublic school does not allow the department to review records under this subsection, the nonpublic school is not eligible for reimbursement under this section.

(7) The funds appropriated under this section are for purposes related to education, are considered to be incidental to the operation of a nonpublic school, are noninstructional in character, and are intended for the public purpose of ensuring the health, safety, and welfare of the children in nonpublic schools and to reimburse nonpublic schools for costs described in this section.

(8) Funds allocated under this section are not intended to aid or maintain any nonpublic school, support the attendance of any student at a nonpublic school, employ any person at a nonpublic school, support the attendance of any student at any location where instruction is offered to a nonpublic school student, or support the employment of any person at any location where instruction is offered to a nonpublic school student.

(9) For purposes of this section, "actual cost" means the hourly wage for the employee or employees performing a task or tasks required to comply with a health, safety, or welfare requirement under a law or administrative rule of this state identified by the department under subsection (2) and is to be calculated in accordance with the form published by the department under subsection (2), which shall include a detailed itemization of costs. The nonpublic school shall not charge more than the hourly wage of its lowest-paid employee capable of performing a specific task regardless of whether that individual is available and

© Courtesy of www.legislature.mi.gov

regardless of who actually performs a specific task. Labor costs under this subsection shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. When calculating costs under subsection (4), fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged. The nonpublic school may not charge any applicable labor charge amount to cover or partially cover the cost of health or fringe benefits. A nonpublic school shall not charge any overtime wages in the calculation of labor costs.

(10) For the purposes of this section, the actual cost incurred by a nonpublic school for taking daily student attendance shall be considered an actual cost in complying with a health, safety, or welfare requirement under a law or administrative rule of this state. Training fees, inspection fees, and criminal background check fees are considered actual costs in complying with a health, safety, or welfare requirement under a law or administrative rule of this state.

(11) The funds allocated under this section for 2017-2018 are a work project appropriation, and any unexpended funds for 2017-2018 are carried forward into 2018-2019. The purpose of the work project is to continue to reimburse nonpublic schools for actual costs incurred in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state. The estimated completion date of the work project is September 30, 2020.

(12) The funds allocated under this section for 2018-2019 are a work project appropriation, and any unexpended funds for 2018-2019 are carried forward into 2019-2020. The purpose of the work project is to continue to reimburse nonpublic schools for actual costs incurred in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state. The estimated completion date of the work project is September 30, 2020.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018.

Compiler's note: Sec. 152b, as amended by Act 165 of 2020, was vetoed by the governor on September 30, 2020.

****** 388.1752b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 ******

388.1752b.amended Actual costs incurred by nonpublic schools complying with health, safety, and welfare requirements; reimbursement; "actual cost" defined; work project; carrying forward unexpended funds.

Sec. 152b. (1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $1,000,000.00 for 2021-2022 to reimburse actual costs incurred by nonpublic schools in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state.

(2) By January 1 of each applicable fiscal year, the department shall publish a form for reporting actual costs incurred by a nonpublic school in complying with a health, safety, or welfare requirement mandated under state law containing each health, safety, or welfare requirement mandated by a law or administrative rule of this state applicable to a nonpublic school and with a reference to each relevant provision of law or administrative rule for the requirement. The form shall be posted on the department's website in electronic form.

(3) By June 30 of each applicable fiscal year, a nonpublic school seeking reimbursement for actual costs incurred in complying with a health, safety, or welfare requirement under a law or administrative rule of this state during each applicable school year shall submit a completed form described in subsection (2) to the department. This section does not require a nonpublic school to submit a form described in subsection (2). A nonpublic school is not eligible for reimbursement under this section if the nonpublic school does not submit the form described in subsection (2) in a timely manner.

(4) By August 15 of each applicable fiscal year, the department shall distribute funds to each nonpublic school that submits a completed form described under subsection (2) in a timely manner. The superintendent shall determine the amount of funds to be paid to each nonpublic school in an amount that does not exceed the nonpublic school's actual costs in complying with a health, safety, or welfare requirement under a law or administrative rule of this state. The superintendent shall calculate a nonpublic school's actual cost in accordance with this section.

(5) If the funds allocated under this section are insufficient to fully fund payments as otherwise calculated under this section, the department shall distribute funds under this section on a prorated or other equitable basis as determined by the superintendent.

(6) The department may review the records of a nonpublic school submitting a form described in subsection (2) only for the limited purpose of verifying the nonpublic school's compliance with this section. If a nonpublic school does not allow the department to review records under this subsection, the nonpublic school is not eligible for reimbursement under this section.

© Courtesy of www.legislature.mi.gov

(7) The funds appropriated under this section are for purposes related to education, are considered to be incidental to the operation of a nonpublic school, are noninstructional in character, and are intended for the public purpose of ensuring the health, safety, and welfare of the children in nonpublic schools and to reimburse nonpublic schools for costs described in this section.

(8) Funds allocated under this section are not intended to aid or maintain any nonpublic school, support the attendance of any student at a nonpublic school, employ any person at a nonpublic school, support the attendance of any student at any location where instruction is offered to a nonpublic school student, or support the employment of any person at any location where instruction is offered to a nonpublic school student.

(9) For purposes of this section, "actual cost" means the hourly wage for the employee or employees performing a task or tasks required to comply with a health, safety, or welfare requirement under a law or administrative rule of this state identified by the department under subsection (2) and is to be calculated in accordance with the form published by the department under subsection (2), which shall include a detailed itemization of costs. The nonpublic school shall not charge more than the hourly wage of its lowest-paid employee capable of performing a specific task regardless of whether that individual is available and regardless of who actually performs a specific task. Labor costs under this subsection shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. When calculating costs under subsection (4), fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged. The nonpublic school may not charge any applicable labor charge amount to cover or partially cover the cost of health or fringe benefits. A nonpublic school shall not charge any overtime wages in the calculation of labor costs.

(10) For the purposes of this section, the actual cost incurred by a nonpublic school for taking daily student attendance shall be considered an actual cost in complying with a health, safety, or welfare requirement under a law or administrative rule of this state. Training fees, inspection fees, and criminal background check fees are considered actual costs in complying with a health, safety, or welfare requirement under a law or administrative rule of this state.

(11) The funds allocated under this section for 2017-2018 are a work project appropriation, and any unexpended funds for 2017-2018 are carried forward into 2018-2019. The purpose of the work project is to continue to reimburse nonpublic schools for actual costs incurred in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state. The estimated completion date of the work project is September 30, 2022.

(12) The funds allocated under this section for 2018-2019 are a work project appropriation, and any unexpended funds for 2018-2019 are carried forward into 2019-2020. The purpose of the work project is to continue to reimburse nonpublic schools for actual costs incurred in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state. The estimated completion date of the work project is September 30, 2022.

(13) The funds allocated under this section for 2021-2022 are a work project appropriation, and any unexpended funds for 2021-2022 are carried forward into 2022-2023. The purpose of the work project is to continue to reimburse nonpublic schools for actual costs incurred in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state. The estimated completion date of the work project is September 30, 2023.

(14) The department shall reimburse nonpublic schools for actual costs incurred in complying with health, safety, or welfare requirements under a law or administrative rule of this state from 2018-2019 through 2020-2021 using work project funds or, if those funds are insufficient to fund reimbursements under this subsection, from the allocation under subsection (1).

History: Add. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Imd. Eff. July 14, 2017;—Am. 2018, Act 265, Imd. Eff. June 28, 2018;—Am. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's note: Sec. 152b, as amended by Act 165 of 2020, was vetoed by the governor on September 30, 2020.

388.1753 Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to a requirement that each district and intermediate district furnish information to the legislative fiscal agencies.

388.1754 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to names and post office addresses of treasurers, presidents, and secretaries of boards.

388.1755 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to certifications as to nonresident pupils.

© Courtesy of www.legislature.mi.gov

388.1756, 388.1757 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's note: The repealed sections pertained to informing legislators of amounts received and study of suspended or expelled students.

388.1758 Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to furnishing information for preparation of district pupil retention report.

388.1758a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to reports on suspended and expelled pupils.

388.1758b Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed section pertained to report by district receiving federal aid.

388.1758c Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's note: The repealed section pertained to reports on grants or contracts.

388.1759 Repealed. 1993, Act 175, Eff. Oct. 1, 1993.

Compiler's note: The repealed section pertained to special report including membership data.

388.1760 Request for waiver from requirements of MCL 380.1284b.

Sec. 160. If a district or intermediate district requests the superintendent to grant a waiver for the district or intermediate district from the requirements of section 1284b of the revised school code, MCL 380.1284b, that district or intermediate district shall use a portion of its funding under this article to conduct a public hearing to be held before the waiver is granted at a location within the district or intermediate district. The department may participate in a hearing held under this section at its discretion.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2019, Act 58, Eff. Oct. 1, 2019.

388.1761 Violation as misdemeanor; penalty.

Sec. 161. A school official or member of a board or other person who neglects or refuses to do or perform an act required by this act or who violates or knowingly permits or consents to the violation of this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $1,500.00, or both. This penalty is in addition to all other financial penalties otherwise specified in this article.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 2014, Act 196, Eff. Oct. 1, 2014.

388.1761a False report; court order.

Sec. 161a. If a court determines that a person intentionally violated section 411a of the Michigan penal code, 1931 PA 328, MCL 750.411a, by making a false report of the commission of a crime described in section 6(6)(f) knowing the report to be false for the purpose of having a pupil counted in membership in a district under section 6(6)(f), as part of the restitution ordered under section 30 of chapter XIIA of 1939 PA 288, MCL 712A.30, section 16, 44, or 76 of the crime victim's rights act, 1985 PA 87, MCL 780.766, 780.794, and 780.826, or section 1a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1a, the court may order the person to pay the pupil's district of residence an amount that is not more than the state school aid that district would have received attributable to the pupil if the pupil had been counted in membership in his or her district of residence.

History: Add. 1998, Act 553, Imd. Eff. Jan. 27, 1999;—Am. 2006, Act 342, Eff. Oct. 1, 2006.

Compiler's note: Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

388.1762 Failure to file reports; forfeiture of funds.

Sec. 162. A district or intermediate district that fails through the negligence of school officials to file reports pursuant to this act shall forfeit that proportion of funds to which the district or intermediate district otherwise would be entitled under this act as the delay in the reports bears to a school year consisting of the required minimum number of days and hours, as prescribed in section 1284 of the revised school code, being section 380.1284 of the Michigan Compiled Laws, for the district or intermediate district.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am.

© Courtesy of www.legislature.mi.gov

1993, Act 336, Eff. Oct. 1, 1994;—Am. 1996, Act 300, Eff. Oct. 1, 1996.

388.1763 Prohibited conduct; employing individuals; misdemeanor; penalty; exception for 2020-2021.

Sec. 163. (1) Except as otherwise provided in the revised school code, the board of a district or intermediate district shall not permit any of the following:

(a) An individual who is not appropriately placed under a valid certificate, valid substitute permit, authorization, or approval issued under rules promulgated by the department to teach in an elementary or secondary school.

(b) An individual who does not satisfy the requirements of section 1233 of the revised school code, MCL 380.1233, and rules promulgated by the department to provide school counselor services to pupils in an elementary or secondary school.

(c) An individual who does not satisfy the requirements of section 1246 of the revised school code, MCL 380.1246, or who is not working under a valid substitute permit issued under rules promulgated by the department, to be employed as a superintendent, principal, or assistant principal, or as an individual whose primary responsibility is to administer instructional programs in an elementary or secondary school or in a district or intermediate district.

(2) Except as otherwise provided in the revised school code, this subsection, or subsection (4) or (7), a district or intermediate district employing an individual in violation of this section before July 1, 2021 must have deducted an amount equal to the amount paid to the individual for the period of employment that is in violation of this section. Except as otherwise provided under subsection (4) or (7), a district or intermediate district employing an individual in violation of this section on or after July 1, 2021 must have deducted an amount equal to 50% of the amount paid to the individual for the period of employment that is in violation of this section. Except as otherwise provided under subsection (4), beginning July 1, 2021, if a district or intermediate district is notified by the department that it is employing an individual in violation of this section and it continues to employ the individual in violation of this section 10 business days after receiving the notification, both of the following apply:

(a) The district or intermediate district must have deducted an amount equal to 50% of the amount paid to the individual for the period of employment that is in violation of this section that occurs before the expiration of the 10-day period described in this subsection.

(b) The district or intermediate district must have deducted an amount equal to 100% of the amount paid to the individual for the period of employment that is in violation of this section that occurs after the 10-day period described in this subsection.

(3) For purposes of subsection (2), if a district or intermediate district on behalf of an individual or an individual successfully completes the credential application process through the department, including the submission of an appropriate application, required fees, and all required supporting documentation, the individual's employment with the district or intermediate district after this completion is not considered a period of employment that is in violation of this section.

(4) A deduction under subsection (2) for employment in violation of this section that occurs on or after July 1, 2021, may be less than the amount required under that subsection if the superintendent of public instruction finds that the district or intermediate district was hindered in its ability to obtain a substitute credential to enable the district or intermediate district to employ the individual in compliance with this section due to unusual and extenuating circumstances resulting from conditions not within the control of school authorities, including, but not limited to, a natural disaster, death or serious illness of the individual or another employee, an emergency school closure, fraud or other intentional wrongdoing of the individual or another employee, or an emergency health condition as defined by city, county, or state health authorities.

(5) For employment of an individual in violation of this section that occurs on or after July 1, 2021, upon request by a district or intermediate district, the department shall credit the amount of an adjustment in payments under section 15 that is based on the employment of the individual that gave rise to the deduction under subsection (2) or (4) against the amount of the deduction under subsection (2) or (4). The amount of the credit under this subsection must not be in an amount that is greater than the deduction assessed under subsection (2) or (4).

(6) If a school official is notified by the department that he or she is employing an individual in violation of this section and knowingly continues to employ that individual, the school official is guilty of a misdemeanor punishable by a fine of $1,500.00 for each incidence. This penalty is in addition to all other financial penalties otherwise specified in this article.

(7) There must be no deduction under subsection (2) for a period of employment in violation of this section that occurs between July 1, 2020 and June 30, 2021.

© Courtesy of www.legislature.mi.gov

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2000, Act 297, Imd. Eff. July 26, 2000;—Am. 2004, Act 351, Eff. Oct. 1, 2004;—Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 266, Eff. Sept. 26, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020;—Am. 2021, Act 15, Imd. Eff. May 19, 2021.

Compiler's note: Enacting section 1 of Act 351 of 2004 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

Enacting section 1 of Act 137 of 2007 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1763a Enrollment of homeless child; definition.

Sec. 163a. (1) A district shall allow a homeless child who is residing in the district to enroll in the district in accordance with state law and with subtitle B of title VII of the Stewart B. McKinney homeless assistance act, Public Law 100-77, 42 U.S.C. 11431 to 11435.

(2) As used in this section, "homeless child" means a school-age child who is homeless, as defined in section 103 of title I of Public Law 100-77, 42 U.S.C. 11302, or who is the child of a homeless individual, as defined in 42 U.S.C. 11302.

History: Add. 1994, Act 283, Eff. Oct. 1, 1994.

388.1764 Forfeiture of amount equal to expenditure for cars or chauffeurs.

Sec. 164. A district or intermediate district shall forfeit an amount to which the district or intermediate district otherwise would be entitled under this act equal to the district's or intermediate district's expenditures in the immediately preceding school fiscal year for purchasing, leasing, or renting cars for board members for use within district or intermediate district boundaries, and for chauffeurs for board members or administrators.

History: Add. 1986, Act 212, Eff. Oct. 1, 1986;—Am. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1996, Act 300, Eff. Oct. 1, 1996.

388.1764a Receipt by school administrator of monetary payment in lieu of unused vacation or personal leave.

Sec. 164a. A district or intermediate district shall not allow a school administrator to receive a monetary payment in lieu of unused vacation or personal leave for the purpose of increasing the school administrator's retirement benefits. If a district or intermediate district violates this section in a fiscal year, the district or intermediate district forfeits from its funds due under this act for that fiscal year an amount equal to the salary of the district's or intermediate district's superintendent for that fiscal year.

History: Add. 1994, Act 283, Eff. Oct. 1, 1994.

388.1764b Payment or reimbursement of board member expenses.

Sec. 164b. (1) The board of a district or intermediate district shall not pay an expense incurred by a member of the board unless the payment is in compliance with section 1254 of the revised school code, being section 380.1254 of the Michigan Compiled Laws.

(2) In addition to the requirements of section 1254 of the revised school code, the board of a district or intermediate district shall not approve reimbursement of an expense incurred by a board member unless 1 or both of the following conditions is met:

(a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred.

(b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approved the reimbursement before it is actually paid.

(3) Records of all payments under this section shall be open to the public.

(4) A violation of this section is punishable under section 161.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996.

388.1764c Purchase of foreign goods or services; preference.

Sec. 164c. A district or intermediate district shall not use funds appropriated under this act to purchase foreign goods or services, or both, if American goods or services, or both, are available and are competitively priced and of comparable quality. Preference shall be given to goods or services, or both, manufactured or

© Courtesy of www.legislature.mi.gov

provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2008, Act 268, Eff. Oct. 1, 2008;—Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1764d Adoption, implementation, or issuance of certain policies, practices, or statements; prohibition.

Sec. 164d. A district or intermediate district shall not expend funds received under this act to adopt or implement a policy or practice, or to make or issue any public statement or directive, that has the effect of any of the following:

(a) Denies to a student of a particular state university access to the district or intermediate district for student teaching purposes solely because the student is enrolled in that state university.

(b) Prevents the hiring of a graduate of a particular state university solely because the individual graduated from that state university.

(c) Discourages or prohibits a counselor employed by the district or intermediate district from recommending a particular state university to a pupil of the district or intermediate district for reasons other than the suitability of the state university's educational offerings for the particular pupil.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995.

388.1764e Student teaching; employment discrimination prohibited.

Sec. 164e. If a district or an employee of a district discriminates against a person engaging in or seeking to engage in student teaching in the district because the state university in which the person is enrolled serves as the authorizing body for 1 or more public school academies, the district forfeits an amount equal to 10% of the funds due to the district under this act.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996.

388.1764f Procurement of diesel fuel.

Sec. 164f. The intermediate board of an intermediate district, the board of a district, or the board of directors of a public school academy may use funds appropriated under this article to enter into a swap, hedge, derivative, or similar agreement in connection with the procurement of diesel fuel. However, not more than 25% of a district's, public school academy's, or intermediate district's annual diesel fuel budget may be procured in the manner allowed under this section.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014.

388.1764g Legal action initiated by district or intermediate district against state; use of funds prohibited.

Sec. 164g. A district or intermediate district shall not use funds appropriated under this article to pay an expense incurred relating to any legal action initiated by the district or intermediate district against this state. If a district or intermediate district violates this section in a fiscal year, the district or intermediate district forfeits from its funds due under this article for that fiscal year an amount equal to the expenses paid in violation of this section.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017.

388.1764h Entry into collective bargaining agreement prohibited.

Sec. 164h. (1) Beginning October 1, 2017, a district or intermediate district shall not enter into a collective bargaining agreement that does any of the following:

(a) Establishes racial or religious preferences for employees.

(b) Automatically deducts union dues from employee compensation.

© Courtesy of www.legislature.mi.gov

(c) Is in conflict with any state or federal law regarding district or intermediate district transparency.

(d) Includes a method of compensation that does not comply with section 1250 of the revised school code, MCL 380.1250. This subdivision shall not be construed to affect the operation of section 15(3)(o) of 1947 PA 336, MCL 423.215, the operation of section 1231 of the revised school code, MCL 380.1231, or the requirement to confer in good faith with respect to wages under section 15(1) of 1947 PA 336, MCL 423.215.

(2) A district or intermediate district that enters into a collective bargaining agreement in violation of subsection (1) shall forfeit an amount equal to 5% of the funds due to the district or intermediate district under this article.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

388.1765 Reimbursement by entity in contractual shared time agreement.

Sec. 165. If an individual or private entity receives payment or consideration from a district or intermediate district as a result of involvement in a contractual shared time agreement and if memberships attributable to that agreement are subsequently disallowed by the department, the individual or entity shall reimburse to the district or intermediate district the full amount of the payment or consideration received. The attorney general may take any action necessary to enforce the reimbursement required under this section.

History: Add. 1998, Act 339, Imd. Eff. Oct. 13, 1998.

Compiler's note: Former MCL 388.1765, which pertained to forfeiture of apportionments, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.

388.1766 Disciplinary policy for referral of pupil for abortion or assisting pupil in obtaining abortion.

Sec. 166. The governing board of a district or intermediate district shall adopt and implement a disciplinary policy for a school official, member of a governing board, or employee of the district or intermediate district who refers a pupil for an abortion or assists a pupil in obtaining an abortion and who is not the parent or legal guardian of that pupil.

History: Add. 1987, Act 128, Eff. Oct. 1, 1987;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1989, Act 197, Eff. Oct. 1, 1989;—Am. 1990, Act 207, Eff. Oct. 1, 1990;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2019, Act 58, Eff. Oct. 1, 2019.

388.1766a Instruction in reproductive health or other sex education; requirements; complaint process.

Sec. 166a. (1) In order to avoid forfeiture of state aid under subsection (2), the board of a district or intermediate district providing reproductive health or other sex education instruction under section 1169, 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506, and 380.1507, or under any other provision of law, shall ensure that all of the following are met:

(a) That the district or intermediate district does not provide any of the instruction to a pupil who is less than 18 years of age unless the district or intermediate district notifies the pupil's parent or legal guardian in advance of the instruction and the content of the instruction, gives the pupil's parent or legal guardian a prior opportunity to review the materials to be used in the instruction, allows the pupil's parent or legal guardian to observe the instruction, and notifies the pupil's parent or legal guardian in advance of his or her rights to observe the instruction and to have the pupil excused from the instruction.

(b) That, upon the written request of a pupil's parent or legal guardian or of a pupil if the pupil is at least age 18, the pupil is excused, without penalty or loss of academic credit, from attending class sessions in which the instruction is provided.

(c) That the sex education instruction includes age-appropriate information clearly informing pupils at 1 or more age-appropriate grade levels that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment, and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the internet for up to 25 years.

(d) That the district or intermediate district has adopted and implemented a disciplinary policy as required under section 166.

(2) If a parent or legal guardian of a pupil enrolled in a district or intermediate district believes that the district or intermediate district has violated this section, section 166, or section 1169, 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506, and 380.1507, he or she may file a complaint with the superintendent or chief administrator of the district or intermediate district in which the pupil is enrolled. Upon receipt of the complaint, the superintendent or chief administrator of the district or intermediate district shall investigate the complaint and, within 30 days after the date of the complaint, provide a written report of his or her findings to the parent or legal guardian who filed the complaint and to the superintendent of public

© Courtesy of www.legislature.mi.gov

instruction. If the investigation reveals that 1 or more violations have occurred, the written report must contain a description of each violation and of corrective action the district or intermediate district will take to correct the situation to ensure that there is no further violation. The district or intermediate district shall take the corrective action described in the written report within 30 days after the date of the written report.

(3) If a parent who has filed a complaint with a district under subsection (2) believes that the district is still not in compliance with law based on the findings made by the superintendent or chief administrator of the district, the parent may appeal the findings to the intermediate district in which the district is located. If there is an appeal to an intermediate district under this subsection, the intermediate superintendent of the intermediate district shall investigate the complaint and, within 30 days after the date of the appeal, provide a written report of his or her findings to the parent or legal guardian who filed the appeal and to the superintendent of public instruction. If the investigation by the intermediate superintendent reveals that 1 or more violations have occurred, the intermediate superintendent in consultation with the local district shall develop a plan for corrective action for the district to take to correct the situation to ensure that there is no further violation, and shall include this plan for corrective action with the written report provided to the parent or legal guardian and the superintendent of public instruction. The district shall take the corrective action described in the plan within 30 days after the date of the written report.

(4) If a parent who has filed a complaint with an intermediate district under subsection (2) or a parent who has filed an appeal with an intermediate district under subsection (3) believes that the district or intermediate district is still not in compliance with law based on the findings made by the intermediate superintendent of the intermediate district, the parent may appeal the findings to the department. If there is an appeal to the department under this subsection, the department shall investigate the complaint and, within 90 days after the date of the appeal, provide a written report of its findings to the parent or legal guardian who filed the appeal, to the superintendent of public instruction, and to the district and intermediate district. If the department finds 1 or more violations as a result of its investigation, then all of the following apply:

(a) The department shall develop a plan for corrective action for the district or intermediate district to take to correct the situation to ensure that there is no further violation, and shall include this plan for corrective action with the written report provided to the parent or legal guardian, the superintendent of public instruction, and the district or intermediate district. The district or intermediate district shall take the corrective action described in the plan within 30 days after the date of the written report.

(b) In addition to withholding the percentage of state school aid forfeited by the district or intermediate district under subsection (5), the department may assess a fee to the district or intermediate district that committed the violation in an amount not to exceed the actual cost to the department of conducting the investigation and making the reports required under this subsection.

(5) If an investigation conducted by the department under subsection (4) reveals that a district or intermediate district has committed 1 or more violations of this section, section 166, or section 1169, 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506, and 380.1507, the district or intermediate district forfeits an amount equal to 1% of its total state school aid allocation under this act.

(6) The department, with the approval of the superintendent of public instruction, shall establish a reasonable process for a complainant to appeal to the department under subsection (4). The department shall ensure that the process does not place an undue burden on the complainant, the district or intermediate district, or the department.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Mar. 15, 1994;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2004, Act 166, Imd. Eff. June 24, 2004;—Am. 2019, Act 58, Eff. Oct. 1, 2019.

388.1766b Minor enrolled in nonpublic school or home school; enrollment in district, public school academy, or intermediate district in certain curricular offering; state school aid; requirements; "eligible other district" defined; nonessential course; minor as part-time pupil; reply by district.

Sec. 166b. (1) This act does not prohibit a parent or legal guardian of a minor who is enrolled in any of grades kindergarten to 12 in a nonpublic school or who is being home-schooled from also enrolling the minor in a district, public school academy, or intermediate district in any curricular offering that is provided by the district, public school academy, or intermediate district at a public school site and is available to pupils in the minor's grade level or age group, subject to compliance with the same requirements that apply to a full-time pupil's participation in the offering. However, state school aid shall be provided under this act for a minor enrolled as described in this subsection only for a curricular offering that is restricted to nonessential elective courses and is available to full-time pupils in the minor's grade level or age group. For the purposes of this subsection, a curricular offering includes optional experiences associated with the curricular offering.

(2) This act does not prohibit a parent or legal guardian of a minor who is enrolled in any of grades

© Courtesy of www.legislature.mi.gov

kindergarten to 12 in a nonpublic school or who resides within a district and is being home-schooled from also enrolling the minor in the district in any nonessential elective curricular offering being provided by the district at a nonpublic school site or that is provided by the district, a public school academy, or an intermediate district at a public school site, and that is available to pupils in the minor's grade level or age group, subject to compliance with the same requirements that apply to a full-time pupil's participation in the offering. For the purposes of this subsection, a curricular offering includes optional experiences associated with the curricular offering. State school aid shall be provided under this act for a minor enrolled as described in this subsection only if all of the following apply:

(a) Either of the following:

(*i*) The nonpublic school site is located, or the nonpublic students are educated, within the geographic boundaries of the district.

(*ii*) If the nonpublic school has submitted a written request to the district in which the nonpublic school is located for the district to provide certain instruction under this subsection for a school year and the district does not agree to provide some or all of that instruction by May 1 immediately preceding that school year or, if the request is submitted after March 1 immediately preceding that school year, within 60 days after the nonpublic school submits the request, the instruction is instead provided by an eligible other district. This subparagraph does not require a nonpublic school to submit more than 1 request to the district in which the nonpublic school is located for that district to provide instruction under this subsection, and does not require a nonpublic school to submit an additional request to the district in which the nonpublic school is located for that district to provide additional instruction under this subsection beyond the instruction requested in the original request, before having the instruction provided by an eligible other district. A public school academy that is located in the district in which the nonpublic school is located or in an eligible other district also may provide instruction under this subparagraph under the same conditions as an eligible other district. As used in this subparagraph, "eligible other district" means a district that is located in the same intermediate district as the district in which the nonpublic school is located or is located in an intermediate district that is contiguous to that intermediate district.

(b) The nonpublic school is registered with the department as a nonpublic school and meets all state reporting requirements for nonpublic schools.

(c) The instruction is provided directly by a certified teacher of the district, public school academy, or intermediate district.

(d) The curricular offering is also available to full-time pupils in the minor's grade level or age group in the district or public school academy at a public school site.

(e) The curricular offering is restricted to nonessential elective courses for pupils in grades kindergarten to 12.

(f) The district ensures that all individuals that have contact with pupils as part of a course provided to pupils enrolled in the district under section 166b and counted in membership under section 6 have not been convicted of sexual misconduct.

(g) The district ensures that an individual who provides direct or indirect curricular offerings to pupils as part of an optional or required course provided to pupils enrolled in the district under section 166b and counted in membership under section 6, or who has unsupervised contact with pupils as part of such a course, is subject to the requirements under sections 1230, 1230a, 1230b, 1230c, 1230d, 1230e, and 1230g of the revised school code, MCL 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d, 380.1230e, and 380.1230g, as if the individual is offered full-time or part-time employment in the district, is an employee of the district, or is assigned to regularly and continuously work under contract in any of its schools, as applicable.

(h) The district ensures that each optional experience associated with a course provided to pupils enrolled in the district under section 166b and counted in membership under section 6 is offered on a schedule that ensures that the experience is available to the majority of full-time pupils in membership in the district in the same grade level or age group as pupils participating in the course and enrolled in the district under section 166b.

(i) The district provides the department information necessary to quantify all of the following, in a form and manner prescribed by the department in conjunction with the center:

(*i*) A complete listing of all courses provided to pupils counted in membership in the district.

(*ii*) Course enrollments by each participant using local coding and the school codes for the exchange of data (SCED).

(*iii*) Identification of each course teacher or mentor.

(3) A nonessential course in grades 1 to 8 is a course other than a mathematics, science, social studies, and English language arts course required by the district for grade progression. Nonessential courses in grades 9 to

© Courtesy of www.legislature.mi.gov

12 are those other than algebra 1, algebra 2, English 9-12, geometry, biology, chemistry, physics, economics, geography, American history, world history, the Constitution, government, and civics, or courses that fulfill the same credit requirement as these courses. Nonessential elective courses include courses offered by the local district for high school credit that are also capable of generating postsecondary credit, including, at least, advanced placement and international baccalaureate courses. College level courses taken by high school students for college credit are nonessential courses. Remedial courses for any grade in the above-listed essential courses are considered essential. Kindergarten is considered nonessential.

(4) Subject to section 6(4)(*ii*), a minor enrolled as described in this section is a part-time pupil for purposes of state school aid under this act.

(5) A district that receives a written request to provide instruction under subsection (2) shall reply to the request in writing by May 1 immediately preceding the applicable school year or, if the request is made after March 1 immediately preceding that school year, within 60 days after the nonpublic school submits the request. The written reply shall specify whether the district agrees to provide or does not agree to provide the instruction for each portion of instruction included in the request.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2008, Act 219, Imd. Eff. July 16, 2008 ;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2012, Act 130, Imd. Eff. May 15, 2012;—Am. 2015, Act 222, Eff. Mar. 16, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1766c Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's note: The repealed section pertained access to instructional supplies

388.1766d Cyber school; salary or compensation information; nondisclosure agreement prohibited.

Sec. 166d. (1) A school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, or an educational management organization with which the cyber school has a contract, shall not require an employee, a former employee, or an individual doing work for the cyber school as an independent contractor or as an employee of the educational management organization or another third party to sign an agreement that he or she will not disclose salary or other compensation information.

(2) A school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, that violates subsection (1) or that is party to a contract with an educational management organization that violates subsection (1) shall forfeit from its state aid under this act an amount equal to 2% of its total state aid.

History: Add. 2010, Act 110, Eff. Oct. 1, 2010.

Compiler's note: Former MCL 388.1766d, which pertained to health care coverage for abortion services, was repealed by Act 191 of 2002, Imd. Eff. Apr. 26, 2002.

388.1766e Construction of new building, or addition to or repair or renovation of existing building; use of competitive bid process.

Sec. 166e. Before entering into a contract in an amount in excess of $15,000.00 for any materials, supplies, or equipment or a contract in an amount in excess of $15,000.00 for construction of a new building, or addition to or repair or renovation of an existing building, the board of a district of the first class, or any other purchasing authority within a district of the first class, shall obtain sealed competitive bids, and the district shall award such a contract using this competitive bid process. This section does not prohibit a district from making a public request for proposals before requesting bids and does not prohibit a district from awarding a contract based on a combination of price, quality, and service factors. A school official or member of a school board or other person who neglects or refuses to do or perform an act required by this section, or who violates or knowingly permits or consents to a violation of this section, is guilty of a misdemeanor punishable by a fine of not more than $500.00, or imprisonment for not more than 3 months, or both.

History: Add. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2008, Act 268, Eff. Oct. 1, 2008.

Compiler's note: Enacting section 1 of Act 268 of 2008 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

© Courtesy of www.legislature.mi.gov

388.1767 Plan for compliance with MCL 380.1177 and 333.9209; report of immunization status; districts subject to subsection (4); failure to comply with section; exception for 2020-2021 fiscal year.

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

(2) Each district or intermediate district shall report to the local health department in which it is located by November 1 of each fiscal year, in a manner prescribed by the department of health and human services, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 and September 30 of the immediately preceding fiscal year. Not later than December 31 of each fiscal year, the department of health and human services shall notify the department by district or intermediate district of the percentage of entering pupils and of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 90% of the district's or intermediate district's entering pupils, as recorded in the November 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 90% of its pupils who enrolled in the district or intermediate district for the first time.

(3) Each district or intermediate district shall again report to the local health department in which it is located by February 1 of each fiscal year, in a manner prescribed by the department of health and human services, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 of the immediately preceding fiscal year and December 31 of the current fiscal year. Not later than March 31 of each fiscal year, the department of health and human services shall notify the department by district or intermediate district of the percentage of entering pupils and of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 95% of the district's or intermediate district's entering pupils, as recorded in the February 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 95% of its pupils who enrolled in the district or intermediate district for the first time. If the department of health and human services is not able to report to the department by March 31 because a district or intermediate district fails to submit a report as required in this subsection, or submits an incomplete, inaccurate, or late report, the district or intermediate district is subject to subsection (4) until the report is submitted in a complete and accurate form.

(4) Except as otherwise provided in this subsection, if a district or intermediate district does not comply with this section, the department shall withhold 5% of the total funds due to the district or intermediate district under this act after the date the department of health and human services reports a district's or intermediate district's noncompliance with this section to the department until the district or intermediate district complies with this section. Except as otherwise provided in this subsection, if the district or intermediate district does not comply with this section by the end of the fiscal year, the district or intermediate district forfeits the total amount withheld. For the 2020-2021 fiscal year only, this subsection does not apply.

History: Add. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1992, Act 148, Eff. Oct. 1, 1992;—Am. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1993, Act 336, Eff. Oct. 1, 1994;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2000, Act 89, Imd. Eff. May 1, 2000;—Am. 2005, Act 155, Eff. Oct. 1, 2005;—Am. 2006, Act 342, Eff. Oct. 1, 2006;—Am. 2013, Act 122, Imd. Eff. Oct. 1, 2013;—Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021.

Compiler's note: Enacting section 1 of 2005 PA 155 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."

Enacting section 1 of Act 342 of 2006 provides:

"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.

© Courtesy of www.legislature.mi.gov

(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

Enacting section 1 of Act 122 of 2013 provides:

"Enacting section 1. This amendatory act takes effect July 1, 2013."

388.1767a Plan to reduce expulsions and suspensions that exceed 10 days; implementation.

Sec. 167a. A district is encouraged to implement a plan to reduce pupil expulsions and suspensions that exceed 10 days. It is the intent of the legislature that a district that has not implemented a plan to reduce pupil expulsions and suspensions that exceed 10 days will be subject to forfeiture of a portion of its total state school aid.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: Former MCL 388.1767a, which pertained to funds held in escrow, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

388.1767b School violence tip line; report.

Sec. 167b. (1) Not later than August 1, 2018, and not later than August 1 of each subsequent year, a district or intermediate district that operates a school violence tip line shall report to the attorney general on the operation of the tip line. The information reported must include at least all of the following, for the purposes of studying best practices:

(a) Whether the tip line operates 24 hours a day.

(b) Whether the tip line is connected to local law enforcement.

(c) The type and duration of training for personnel who operate the tip line.

(2) A district or intermediate district shall annually designate at least 1, but no more than 2, employees as the school officials who will receive information under section 3(4) of the student safety act, 2013 PA 183, MCL 752.913, and shall provide the attorney general with the contact information for the designated school officials that allows the designated school officials to receive information 24 hours a day, 365 days a year.

History: Add. 2018, Act 265, Imd. Eff. June 28, 2018.

388.1768 Access to records; audit.

Sec. 168. In order to receive funds under this article, a district, intermediate district, grant recipient, contractor, or other entity that directly or indirectly receives funds under this article shall allow access for the department or the department's designee to audit all records related to a program for which it receives funds under this article or has received funds under this article for any of the 3 immediately preceding fiscal years. The district, intermediate district, grant recipient, contractor, or other entity shall reimburse the state for all disallowances found in any audit conducted under this article.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 2014, Act 196, Eff. Oct. 1, 2014.

388.1768a Removing or contracting to remove asbestos.

Sec. 168a. In order to receive funds under this act, a district or intermediate district shall not remove asbestos, or contract for the removal of asbestos, from an educational facility unless the removal is required under Act No. 51 of the Public Acts of 1993, being sections 388.861 to 388.864 of the Michigan Compiled Laws.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993.

388.1769 State aid to public school academies.

Sec. 169. In order for a public school academy to receive state aid under this act, the public school academy shall demonstrate to the satisfaction of the department that the public school academy has made a good faith effort to advertise, throughout the entire area of the intermediate district in which the public school academy is located, that the academy is enrolling students and the procedures for applying for enrollment. The department shall not make any payments to a public school academy until the public school academy supplies evidence satisfactory to the department demonstrating compliance with this section. If a public school academy is a successor to a nonpublic school and more than 75% of the pupils enrolled in the public school academy during its first school year of operation were previously enrolled in that nonpublic school, there is a rebuttable presumption that the public school academy did not make the good faith effort required under this section.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's note: Former MCL 388.1769, which pertained to purchasing foreign goods or services, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.

© Courtesy of www.legislature.mi.gov

388.1769a Michigan schools for the deaf, deaf-blind, or hard of hearing; information about residential programs; interference with right or ability prohibited; educational placement options; violation.

Sec. 169a. (1) A board member, official, or employee of a district or intermediate district shall provide any information received from the Michigan schools for the deaf and blind about its residential program to parents and guardians of pupils who are deaf, deaf-blind, or hard of hearing and to any residents of the district or intermediate district who request the information.

(2) Upon determining that a pupil is deaf or hard of hearing, a district or intermediate district shall provide to the pupil's parent or legal guardian information, provided by the Michigan coalition for deaf and hard of hearing persons, on educational placement options for deaf and hard of hearing children.

(3) Upon determining that a pupil is blind, a district or intermediate district shall provide to the pupil's parent or legal guardian information, provided by the Michigan federation for the blind, on educational placement options for blind children.

(4) A district or intermediate district that violates this section shall forfeit an amount equal to 5% of the funds due to the district or intermediate district under this article.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1997, Act 93, Eff. Oct. 1, 1997;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: Former MCL 388.1769a, which pertained to reports, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

388.1769b Contract in which board member has conflict of interest; abstention from voting.

Sec. 169b. A board member of a district, intermediate district, public school academy, or public school academy corporation shall abstain from voting on any contract in which the board member has a conflict of interest.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996.

388.1771 Repeal of MCL 388.1401 to 388.1572; certain references considered references to former act.

Sec. 171. (1) Act No. 90 of the Public Acts of 1977, as amended, being sections 388.1401 to 388.1572 of the Compiled Laws of 1970, is repealed.

(2) A reference to a section or subsection of this act applicable to a fiscal year ending before October 1, 1979, shall be considered a reference to the section, subsection, or provision of former Act No. 90 of the Public Acts of 1977 or former Act No. 258 of the Public Acts of 1972, governing the same subject matter, as determined by the department.

History: 1979, Act 94, Eff. Oct. 1, 1979.

388.1771a Repealed. 1984, Act 239, Eff. Oct. 1, 1984.

Compiler's note: The repealed section pertained to revised method of distributing general membership aid.

388.1772 Effective date.

Sec. 172. This act shall take effect October 1, 1979.

History: 1979, Act 94, Eff. Oct. 1, 1979.

ARTICLE II
STATE AID TO COMMUNITY COLLEGES

388.1801 Appropriations; community colleges.

Sec. 201. (1) Subject to the conditions set forth in this article, the amounts listed in this section are appropriated for community colleges for the fiscal year ending September 30, 2021, from the funds indicated in this section. The following is a summary of the appropriations in this section:

(a) The gross appropriation is $425,667,600.00. After deducting total interdepartmental grants and intradepartmental transfers in the amount of $0.00, the adjusted gross appropriation is $425,667,600.00.

(b) The sources of the adjusted gross appropriation described in subdivision (a) are as follows:

(*i*) Total federal revenues, $0.00.

(*ii*) Total local revenues, $0.00.

(*iii*) Total private revenues, $0.00.

(*iv*) Total other state restricted revenues, $425,667,600.00.

(*v*) State general fund/general purpose money, $0.00.

(2) Subject to subsection (3), the amount appropriated for community college operations is $325,440,000.00, allocated as follows:

© Courtesy of www.legislature.mi.gov

(a) The appropriation for Alpena Community College is $5,767,500.00, $5,753,300.00 for operations, $0.00 for performance funding, and $14,200.00 for costs incurred under the North American Indian tuition waiver.

(b) The appropriation for Bay de Noc Community College is $5,719,500.00, $5,602,800.00 for operations, $0.00 for performance funding, and $116,700.00 for costs incurred under the North American Indian tuition waiver.

(c) The appropriation for Delta College is $15,208,200.00, $15,160,500.00 for operations, $0.00 for performance funding, and $47,700.00 for costs incurred under the North American Indian tuition waiver.

(d) The appropriation for Glen Oaks Community College is $2,651,200.00, $2,651,200.00 for operations, $0.00 for performance funding, and $0.00 for costs incurred under the North American Indian tuition waiver.

(e) The appropriation for Gogebic Community College is $4,923,300.00, $4,873,700.00 for operations, $0.00 for performance funding, and $49,600.00 for costs incurred under the North American Indian tuition waiver.

(f) The appropriation for Grand Rapids Community College is $19,007,000.00, $18,773,100.00 for operations, $0.00 for performance funding, and $233,900.00 for costs incurred under the North American Indian tuition waiver.

(g) The appropriation for Henry Ford College is $22,557,600.00, $22,533,100.00 for operations, $0.00 for performance funding, and $24,500.00 for costs incurred under the North American Indian tuition waiver.

(h) The appropriation for Jackson College is $12,814,200.00, $12,756,200.00 for operations, $0.00 for performance funding, and $58,000.00 for costs incurred under the North American Indian tuition waiver.

(i) The appropriation for Kalamazoo Valley Community College is $13,163,700.00, $13,099,900.00 for operations, $0.00 for performance funding, and $63,800.00 for costs incurred under the North American Indian tuition waiver.

(j) The appropriation for Kellogg Community College is $10,328,700.00, $10,267,100.00 for operations, $0.00 for performance funding, and $61,600.00 for costs incurred under the North American Indian tuition waiver.

(k) The appropriation for Kirtland Community College is $3,394,800.00, $3,358,400.00 for operations, $0.00 for performance funding, and $36,400.00 for costs incurred under the North American Indian tuition waiver.

(*l*) The appropriation for Lake Michigan College is $5,711,300.00, $5,702,700.00 for operations, $0.00 for performance funding, and $8,600.00 for costs incurred under the North American Indian tuition waiver.

(m) The appropriation for Lansing Community College is $33,010,000.00, $32,852,000.00 for operations, $0.00 for performance funding, and $158,000.00 for costs incurred under the North American Indian tuition waiver.

(n) The appropriation for Macomb Community College is $34,319,500.00, $34,276,100.00 for operations, $0.00 for performance funding, and $43,400.00 for costs incurred under the North American Indian tuition waiver.

(o) The appropriation for Mid Michigan Community College is $5,309,200.00, $5,184,400.00 for operations, $0.00 for performance funding, and $124,800.00 for costs incurred under the North American Indian tuition waiver.

(p) The appropriation for Monroe County Community College is $4,746,700.00, $4,746,200.00 for operations, $0.00 for performance funding, and $500.00 for costs incurred under the North American Indian tuition waiver.

(q) The appropriation for Montcalm Community College is $3,577,700.00, $3,570,600.00 for operations, $0.00 for performance funding, and $7,100.00 for costs incurred under the North American Indian tuition waiver.

(r) The appropriation for C.S. Mott Community College is $16,464,000.00, $16,440,000.00 for operations, $0.00 for performance funding, and $24,000.00 for costs incurred under the North American Indian tuition waiver.

(s) The appropriation for Muskegon Community College is $9,363,000.00, $9,289,100.00 for operations, $0.00 for performance funding, and $73,900.00 for costs incurred under the North American Indian tuition waiver.

(t) The appropriation for North Central Michigan College is $3,562,700.00, $3,389,300.00 for operations, $0.00 for performance funding, and $173,400.00 for costs incurred under the North American Indian tuition waiver.

(u) The appropriation for Northwestern Michigan College is $9,843,100.00, $9,567,100.00 for operations, $0.00 for performance funding, and $276,000.00 for costs incurred under the North American Indian tuition waiver.

© Courtesy of www.legislature.mi.gov

(v) The appropriation for Oakland Community College is $22,246,800.00, $22,211,700.00 for operations, $0.00 for performance funding, and $35,100.00 for costs incurred under the North American Indian tuition waiver.

(w) The appropriation for Schoolcraft College is $13,236,500.00, $13,196,200.00 for operations, $0.00 for performance funding, and $40,300.00 for costs incurred under the North American Indian tuition waiver.

(x) The appropriation for Southwestern Michigan College is $7,016,600.00, $6,979,400.00 for operations, $0.00 for performance funding, and $37,200.00 for costs incurred under the North American Indian tuition waiver.

(y) The appropriation for St. Clair County Community College is $7,388,600.00, $7,385,200.00 for operations, $0.00 for performance funding, and $3,400.00 for costs incurred under the North American Indian tuition waiver.

(z) The appropriation for Washtenaw Community College is $13,888,200.00, $13,855,900.00 for operations, $0.00 for performance funding, and $32,300.00 for costs incurred under the North American Indian tuition waiver.

(aa) The appropriation for Wayne County Community College is $17,608,300.00, $17,593,400.00 for operations, $0.00 for performance funding, and $14,900.00 for costs incurred under the North American Indian tuition waiver.

(bb) The appropriation for West Shore Community College is $2,612,100.00, $2,585,600.00 for operations, $0.00 for performance funding, and $26,500.00 for costs incurred under the North American Indian tuition waiver.

(3) The amount appropriated in subsection (2) for community college operations is $325,440,000.00 and is appropriated from the state school aid fund.

(4) From the appropriations described in subsection (1), both of the following apply:

(a) Subject to section 207a, the amount appropriated for fiscal year 2020-2021 to offset certain fiscal year 2020-2021 retirement contributions is $1,733,600.00, appropriated from the state school aid fund.

(b) For fiscal year 2020-2021, there is allocated an amount not to exceed $12,394,000.00 for payments to participating community colleges, appropriated from the state school aid fund. A community college that receives money under this subdivision shall use that money solely for the purpose of offsetting the normal cost contribution rate.

(5) From the appropriations described in subsection (1), subject to section 207b, the amount appropriated for payments to community colleges that are participating entities of the retirement system is $83,900,000.00 appropriated from the state school aid fund.

(6) From the appropriations described in subsection (1), subject to section 207c, the amount appropriated for renaissance zone tax reimbursements is $2,200,000.00, appropriated from the state school aid fund. Each community college receiving funds in this subsection shall accrue these payments to its institutional fiscal year ending June 30, 2021.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Enacting section 2 of Act 52 of 2019 provides:

"Enacting section 2. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2019-2020 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $414,719,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $414,719,000.00."

388.1801a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to legislative intent for appropriations for fiscal year ending September 30, 2021.

388.1801b Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to appropriation to participating community colleges of retirement system.

388.1801c Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to federal funding to community colleges from the coronavirus relief fund.

388.1802 Appropriations subject to MCL 18.1101 to 18.1594.

Sec. 202. All appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

© Courtesy of www.legislature.mi.gov

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1802a Definitions.

Sec. 202a. As used in this article:

(a) "Center" means the center for educational performance and information created in section 94a.

(b) "Michigan renaissance zone act" means the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696.

(c) "Participating college" means a community college that is a reporting unit of the retirement system and that reports employees to the retirement system for the state fiscal year.

(d) "Retirement board" means the board that administers the retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(e) "Retirement system" means the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1803 Reporting requirements; use of internet.

Sec. 203. Unless otherwise specified, a community college that receives appropriations in section 201 and the center shall use the internet to fulfill the reporting requirements of this article. This requirement includes transmission of reports via electronic mail to the recipients identified for each reporting requirement and placement of reports on an internet site.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1804 Goods or services provided by Michigan businesses; preference.

Sec. 204. Funds appropriated in section 201 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses that are owned and operated by veterans, if they are competitively priced and of comparable quality.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1805 Businesses in deprived and depressed communities; contracts.

Sec. 205. To the extent possible, the principal executive officer of each community college that receives appropriations in section 201 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each principal executive officer shall strongly encourage businesses with which the community college contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1806 Payments to community colleges; monthly installments.

Sec. 206. (1) The funds appropriated in section 201 are appropriated for community colleges with fiscal years ending June 30, 2021 and shall be paid out of the state treasury and distributed by the state treasurer to the respective community colleges in 11 monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2020. Each community college shall accrue its July and August 2021 payments to its institutional fiscal year ending June 30, 2021.

(2) If the state budget director determines that a community college failed to submit any of the information described in subdivisions (a) to (f) in the form and manner specified by the center, the state treasurer shall, subject to subdivision (g), withhold the monthly installments from that community college until those data are submitted:

(a) The Michigan community colleges verified data inventory data for the preceding academic year to the center by the first business day of December for fiscal year 2020-2021 and the first business day of November

© Courtesy of www.legislature.mi.gov

of each year thereafter as specified in section 217.

(b) The college credit opportunity data set as specified in section 209.

(c) The longitudinal data set for the preceding academic year to the center as specified in section 219.

(d) The annual independent audit as specified in section 222.

(e) Tuition and mandatory fees information for the current academic year as specified in section 225.

(f) The number and type of associate degrees and other certificates awarded during the previous academic year as specified in section 226.

(g) The state budget director shall notify the chairs of the house and senate appropriations subcommittees on community colleges at least 10 days before withholding funds from any community college.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1807 Payment of employer's contribution to Michigan public school employees' retirement system; payment to more than 1 fund prohibited.

Sec. 207. (1) A community college shall pay the employer's contributions to the Michigan public school employees' retirement system created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437. This payment is a condition of receiving funds appropriated under this article.

(2) A community college shall not pay an employer's contribution to more than 1 retirement fund providing benefits for an employee.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016.

388.1807a Allocations to community colleges; use; basis.

Sec. 207a. All of the following apply to the allocation of the fiscal year 2020-2021 appropriations described in section 201(4):

(a) A community college that receives money under section 201(4) shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the college for that fiscal year.

(b) The amount allocated to each participating community college under section 201(4) shall be based on each college's percentage of the total covered payroll for all community colleges that are participating colleges in the immediately preceding fiscal year.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1807b Payments to community colleges as participating entities of retirement system.

Sec. 207b. All of the following apply to the allocation of the fiscal year 2020-2021 appropriations described in section 201(5) for payments to community colleges that are participating entities of the retirement system:

(a) The amount of a payment under section 201(5) shall be the difference between the unfunded actuarial accrued liability contribution rate as calculated under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, as calculated without taking into account the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, and the maximum employer rate of 20.96% under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341.

(b) The amount allocated to each community college under section 201(5) shall be based on each community college's percentage of the total covered payroll for all community colleges that are participating colleges in the immediately preceding fiscal year. A community college that receives funds under this subdivision shall use the funds solely for the purpose of retirement contributions under section 201(5).

(c) Each participating college that receives funds under section 201(5) shall forward an amount equal to the amount allocated under subdivision (b) to the retirement system in a form and manner determined by the retirement system.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1807c Allocation to community colleges described in MCL 125.2692.

Sec. 207c. All of the following apply to the allocation of the appropriations described in section 201(6) to community colleges described in section 12(3) of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692:

© Courtesy of www.legislature.mi.gov

(a) The amount allocated to each community college under section 201(6) for fiscal year 2020-2021 shall be based on that community college's proportion of total revenue lost by community colleges as a result of the exemption of property taxes levied in 2020 under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696.

(b) The appropriations described in section 201(6) shall be made to each eligible community college within 60 days after the department of treasury certifies to the state budget director that it has received all necessary information to properly determine the amounts payable to each eligible community college under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1808 Self-liquidating projects; compliance with JCOS requirements.

Sec. 208. A community college shall not use money appropriated in section 201 to pay for the construction or maintenance of a self-liquidating project. A community college shall comply with section 238 of the management and budget act, 1984 PA 431, MCL 18.1238, and with the current use and finance requirements of the joint capital outlay subcommittee (JCOS) for any construction, renovation, or other capital outlay projects pursuant to JCOS policy. The appropriation in section 201 for a community college that fails to comply with JCOS requirements shall be reduced by 1% for each violation.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013.

388.1809 Information required to be available on website; use of icon badge; determination of compliance with section; withholding payments; report.

Sec. 209. (1) Within 30 days after the board of a community college adopts its annual operating budget for the following fiscal year, or after the board adopts a subsequent revision to that budget, the community college shall make all of the following available through a link on its website homepage:

(a) The annual operating budget and subsequent budget revisions.

(b) A link to the most recent "Michigan Community College Data Inventory Report".

(c) General fund revenue and expenditure projections for the current fiscal year and the next fiscal year.

(d) A listing of all debt service obligations, detailed by project, anticipated payment of each project, and total outstanding debt for the current fiscal year.

(e) Links to all of the following for the community college:

(*i*) The current collective bargaining agreement for each bargaining unit.

(*ii*) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee of the community college.

(*iii*) Audits and financial reports for the most recent fiscal year for which they are available.

(*iv*) A copy of the board of trustees resolution regarding compliance with best practices for the local strategic value component described in section 230(2).

(f) A map that includes the boundaries of the community college district.

(2) For statewide consistency and public visibility, community colleges must use the icon badge provided by the department of technology, management, and budget consistent with the icon badge developed by the department of education for K-12 school districts. It must appear on the front of each community college's homepage. The size of the icon may be reduced to 150 x 150 pixels.

(3) The state budget director shall determine whether a community college has complied with this section. The state budget director may withhold a community college's monthly installments described in section 206 until the community college complies with this section. The state budget director shall notify the chairs of the house and senate appropriations subcommittee on community colleges at least 10 days before withholding funds from any community college.

(4) Each community college shall report the following information to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget office by December 15 for fiscal year 2020-2021 and November 15 of each fiscal year thereafter and post that information on its website as required under subsection (1):

(a) Budgeted current fiscal year general fund revenue from tuition and fees.

(b) Budgeted current fiscal year general fund revenue from state appropriations.

(c) Budgeted current fiscal year general fund revenue from property taxes.

(d) Budgeted current fiscal year total general fund revenue.

(e) Budgeted current fiscal year total general fund expenditures.

© Courtesy of www.legislature.mi.gov

(5) By the first business day of November of each year, a community college shall post the following information on its website under the budget transparency icon badge:

(a) Opportunities for earning college credit through the following programs:

(*i*) State approved career and technical education or a tech prep articulated program of study.

(*ii*) Direct college credit or concurrent enrollment.

(*iii*) Dual enrollment.

(*iv*) An early college/middle college program.

(b) For each program described in subdivision (a) that the community college offers, all of the following information:

(*i*) The number of high school students participating in the program.

(*ii*) The number of school districts that participate in the program with the community college.

(*iii*) Whether a college professor, qualified local school district employee, or other individual teaches the course or courses in the program.

(*iv*) The total cost to the community college to operate the program.

(*v*) The cost per credit hour for the course or courses in the program.

(*vi*) The location where the course or courses in the program are held.

(*vii*) Instructional resources offered to the program instructors.

(*viii*) Resources offered to the student in the program.

(*ix*) Transportation services provided to students in the program.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1809a Campus safety information and resources link; availability on website; compliance certification.

Sec. 209a. (1) A public community college shall develop, maintain, and update a "campus safety information and resources" link, prominently displayed on the homepage of its website, to a section of its website containing all of the information required under subsection (2).

(2) The "campus safety information and resources" section of a public community college's website shall include, but not be limited to, all of the following information:

(a) Emergency contact numbers for police, fire, health, and other services.

(b) Hours, locations, phone numbers, and electronic mail contacts for campus public safety offices and title IX offices.

(c) A list of safety and security services provided by the community college, including transportation, escort services, building surveillance, anonymous tip lines, and other available security services.

(d) A public community college's policies applicable to minors on community college property.

(e) A directory of resources available at the community college or surrounding community for students or employees who are survivors of sexual assault or sexual abuse.

(f) An electronic copy of "A Resource Handbook for Campus Sexual Assault Survivors, Friends and Family", published in 2018.

(g) Campus security policies and crime statistics pursuant to the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381. Information shall include all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381.

(3) A community college shall certify to the state budget director by October 1, 2020 that it is in compliance with this section. The state budget director may withhold a public community college's monthly installments described in section 206 until the public community college complies with this section.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1810 Collaboration and cooperation with 4-year universities, local employers, students, and other community colleges; equivalency standards.

Sec. 210. (1) Recognizing the critical importance of education in strengthening Michigan's workforce, each community college is encouraged to explore ways of increasing collaboration and cooperation with 4-year universities, particularly in the areas related to training, instruction, and program articulation.

(2) Recognizing the central role of community colleges in responding to local employment needs and challenges, community colleges shall develop and continue efforts to collaborate with local employers and students to identify local employment needs and strategies to meet them.

(3) Community colleges are encouraged to collaborate with each other on innovations to identify and meet

© Courtesy of www.legislature.mi.gov

local employment needs.

(4) Community colleges are encouraged to work with universities to develop equivalency standards of core college courses and identify equivalent courses offered by postsecondary institutions.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2015, Act 85, Eff. Oct. 1, 2015.

388.1810a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to transferability of core college courses between community colleges and public universities.

388.1810b Submission of report by Michigan Community College Association and Michigan Association of State Universities.

Sec. 210b. By March 1 of each year, the Michigan Community College Association and the Michigan Association of State Universities shall submit a report to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director on the activities and programs of the transfer steering committee since March 1 of the previous year, including all of the following:

(a) The alignment of learning outcomes in gateway mathematics courses in the quantitative reasoning, college algebra, and statistics pathways and the transferability of mathematics gateway courses between and among community colleges and universities.

(b) The development of program-specific, statewide transfer pathways that meet program requirements for both associate and bachelor's degree programs.

(c) The development of an enhanced online communication tool to share information about postsecondary options in Michigan, course equivalencies, and transfer pathways that are clearly articulated.

(d) The establishment of clear timelines for developing and implementing transfer pathways.

(e) A progress report on the implementation of the Michigan transfer agreement.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019.

388.1810c Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to transferability and applicability of associate of arts and associate of science degrees.

388.1810d Statewide reverse transfer agreements.

Sec. 210d. Community colleges are encouraged to work with public universities in the state to implement statewide reverse transfer agreements to increase the number of students that are awarded credentials of value upon completion of the necessary credits. These statewide agreements shall enable students who have earned a significant number of credits at a community college and transferred to a baccalaureate-granting institution before completing a degree to transfer the credits earned at the baccalaureate institution back to the community college in order to be awarded a credential of value.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015.

388.1810e Repealed. 2017, Act 108, Eff. October 1, 2017.

Compiler's note: The repealed section pertained to report detailing number of academic program partnerships between public community colleges, public universities, and private colleges and universities.

388.1810f Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to academic program partnerships.

388.1811 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to duties of community colleges.

388.1812 Cost-containment measures and efficiencies.

Sec. 212. Community college districts are encouraged to evaluate and pursue efficiency and cost-containment measures that maximize state funding. Community colleges shall identify practices that increase efficiencies, including, but not limited to, establishing joint ventures, consolidating services, utilizing program collaborations, maximizing educational benefits through optimal class sizes and frequency of course offerings, increasing web-based instruction, eliminating low-enrollment and high-cost instructional programs, using self-insurance, practicing energy conservation, and utilizing group purchasing. Community colleges

© Courtesy of www.legislature.mi.gov

shall also review proposed capital outlay projects to increase coordination and utilization of new facilities, renovation projects, and technology improvements.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016.

388.1813 Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to statewide reverse transfer agreements.

388.1814 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to developmental courses and common set of scores to determine placement.

388.1815 Annual title IX report.

Sec. 215. By October 31, each community college receiving funds under section 201 shall report to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director its annual title IX report, also known as the student sexual misconduct report, issued by the title IX coordinator, as required under the federal campus SaVE act of 2013, Public Law 113-4, section 304, 127 Stat 54, 89-92 (2013).

History: Add. 2018, Act 265, Eff. Oct. 1, 2018.

388.1816 Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to legislative intent to review statutory mandates.

388.1817 Duties of center; Michigan Community College Data Inventory database; advisory committee.

Sec. 217. (1) The center shall do all of the following:

(a) Establish, maintain, and coordinate the state community college database commonly known as the "Michigan Community College Data Inventory".

(b) Collect data concerning community colleges and community college programs in this state, including data required by law.

(c) Establish procedures to ensure the validity and reliability of the data and the collection process.

(d) Develop model data collection policies, including, but not limited to, policies that ensure the privacy of any individual student data. Privacy policies shall ensure that student Social Security numbers are not released to the public for any purpose.

(e) Provide data in a useful manner to allow state policymakers and community college officials to make informed policy decisions.

(f) Compile and publish electronically the demographic enrollment profile.

(g) Compile and publish the community college performance improvement and performance completion rate data to support the performance funding formula metrics specified in section 230(1)(c) and (e).

(2) There is created within the center the Michigan Community College Data Inventory advisory committee. The committee shall provide advice to the director of the center regarding the management of the state community college database, including, but not limited to:

(a) Determining what data are necessary to collect and maintain to enable state and community college officials to make informed policy decisions.

(b) Defining the roles of all stakeholders in the data collection system.

(c) Recommending timelines for the implementation and ongoing collection of data.

(d) Establishing and maintaining data definitions, data transmission protocols, and system specifications and procedures for the efficient and accurate transmission and collection of data.

(e) Establishing and maintaining a process for ensuring the accuracy of the data.

(f) Establishing and maintaining policies related to data collection, including, but not limited to, privacy policies related to individual student data.

(g) Ensuring that the data are made available to state policymakers and citizens of this state in the most useful format possible.

(h) Addressing other matters as determined by the director of the center or as required by law.

(3) The Michigan Community College Data Inventory advisory committee created in subsection (2) shall consist of the following members:

(a) One representative from the house fiscal agency, appointed by the director of the house fiscal agency.

(b) One representative from the senate fiscal agency, appointed by the director of the senate fiscal agency.

(c) One representative from the department of labor and economic opportunity, appointed by the director of the department of labor and economic opportunity.

© Courtesy of www.legislature.mi.gov

(d) One representative from the center, appointed by the director of the center.

(e) One representative from the state budget office, appointed by the state budget director.

(f) One representative from the governor's policy office, appointed by that office.

(g) Four representatives of the Michigan Community College Association, appointed by the president of the association, that represent a diverse mix of college sizes.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1818 Repealed. 2019, Act 52, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to the exclusion of credit hours for a student incarcerated in a Michigan penal institution.

388.1819 Statewide P-20 education longitudinal data system; inclusion of information from each community college.

Sec. 219. By October 15 of each year, each community college shall provide its longitudinal data system data set for the preceding academic year to the center for inclusion in the statewide P-20 education longitudinal data system described in section 94a.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016.

388.1820 Performance audits.

Sec. 220. (1) The auditor general or a certified public accountant appointed by the auditor general may conduct performance audits of community colleges as the auditor general considers necessary.

(2) Within 60 days after an audit report is released by the office of the auditor general, the principal executive officer of the community college that was audited shall submit to the house and senate appropriations committees, the house and senate fiscal agencies, the auditor general, and the state budget director a plan to comply with audit recommendations. The plan shall contain projected dates and resources required, if any, to achieve compliance with the audit recommendations, or a documented explanation of the college's noncompliance with the audit recommendations concerning the matters on which the audited community college and office of the auditor general disagree.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016.

388.1821 Document retention.

Sec. 221. (1) A community college shall retain certified class summaries, class lists, registration documents, and student transcripts that are consistent with the taxonomy of courses. For each enrollment period during the fiscal year, these certified documents shall identify clearly by course the number of in-district and out-of-district student credit and contact hours. The class summaries and class lists shall be consistent with each other and shall include the course prefix and numbers, course title, course credit and contact hours, credit and contact hours generated by each student, and activity classifications consistent with the taxonomy. An auditable process shall be used by the community college to determine the unduplicated head count for in-district students, out-of-district students, and prisoners for each enrollment period during the fiscal year.

(2) A community college shall retain all contracts between the community college and agencies that reimburse the community college for the costs of instruction for audit purposes.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1822 Annual independent audit.

Sec. 222. Each community college shall have an annual audit of all income and expenditures performed by an independent auditor and shall furnish the independent auditor's management letter and an annual audited accounting of all general and current funds income and expenditures including audits of college foundations to the center before December 15 for fiscal year 2020-2021 and November 15 of each year thereafter. The center shall provide this information to members of the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, the auditor general, the department of labor and economic opportunity, and the state budget director. If a community college fails to furnish the audit materials, the monthly state aid installments shall be withheld from that college until the information is submitted. All reporting shall conform to the requirements set forth in the "2001 Manual for Uniform

© Courtesy of www.legislature.mi.gov

Financial Reporting, Michigan Public Community Colleges". A community college shall make the information the community college is required to provide under this section available to the public on its website.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1823 Report on North American Indian tuition waivers.

Sec. 223. (1) By January 15 of each year, the department of civil rights shall annually submit to the state budget director, the house and senate appropriations subcommittees on community colleges, and the house and senate fiscal agencies a report on North American Indian tuition waivers for the preceding academic year that includes, but is not limited to, all of the following information:

(a) The number of waiver applications received and the number of waiver applications approved.

(b) For each community college submitting information under subsection (2), all of the following:

(*i*) The number of North American Indian students enrolled each term for the previous academic year.

(*ii*) The number of North American Indian waivers granted each term, including continuing education students, and the monetary value of the waivers for the previous academic year.

(*iii*) The number of students attending under a North American Indian tuition waiver who withdrew from the college each term during the previous academic year. For purposes of this subparagraph, a withdrawal occurs when a student who has been awarded the waiver withdraws from the institution at any point during the term, regardless of enrollment in subsequent terms.

(*iv*) The number of students attending under a North American Indian tuition waiver who successfully complete a degree or certificate program, separated by degree or certificate level, and the graduation rate for students attending under a North American Indian tuition waiver who complete a degree or certificate within 150% of the normal time to complete, separated by the level of the degree or certificate.

(2) A community college that receives funds under section 201 or a tribal institution that receives funding for the North American Indian tuition waiver shall provide to the department of civil rights any information necessary for preparing the report described in subsection (1), using guidelines and procedures developed by the department of civil rights.

(3) The department of civil rights may consolidate the report required under this section with the report required under section 268, but a consolidated report must separately identify data for universities and data for community colleges.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1824 Aggregate academic status of students; use of P-20 longitudinal data system.

Sec. 224. Using the data provided by the community colleges as required under section 219 of this act, the center shall use the P-20 longitudinal data system to inform interested Michigan high schools and the public of the aggregate academic status of its students for the previous academic year. The center shall work with the Michigan Community College Association and in cooperation with the Michigan Association of Secondary School Principals. Community colleges shall cooperate with the center to maintain a systematic approach for accomplishing this work.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017.

388.1825 Tuition and mandatory fees; report; cost of tuition and fees; revisions.

Sec. 225. Each community college shall report to the center by the last business day of August of each year the tuition and mandatory fees paid by a full-time in-district student and a full-time out-of-district student as established by the college governing board for the current academic year. This report should also include the annual cost of tuition and fees based on a full-time course load of 30 credits. This report must also specify the amount that tuition and fees have increased for each institution from the prior academic year. Each community college shall also report any revisions to the reported current academic year tuition and mandatory fees adopted by the college governing board to the center within 15 days of being adopted. The center shall provide this information and any revisions to the house and senate fiscal agencies and the state budget director.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;

© Courtesy of www.legislature.mi.gov

—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019.

388.1826 Associate degrees and certificates; report on numbers and type.

Sec. 226. Each community college shall report to the center by October 15 of each year the numbers and type of associate degrees and other certificates awarded by the community college during the previous academic year for inclusion in the statewide P-20 longitudinal data system.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1826a Link on website to online informational resource for student loan borrowers.

Sec. 226a. A community college receiving an appropriation in section 201 shall place a prominent link to the website created under section 260 on its website homepage.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1826b Report to legislature regarding students and course types offered for 2020-2021.

Sec. 226b. (1) By September 30, 2021, each community college receiving an appropriation in section 201 shall submit a report to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director containing the following information:

(a) The number of students enrolled during the 2020-2021 academic year.

(b) The number of courses offered by course type.

(c) The number of students enrolled by course type.

(d) The drop rate and pass/fail rate by course type.

(e) The average number of credit hours for which each student was enrolled at the start and end of each semester.

(f) The number of students residing on campus each semester.

(g) The number of students residing on campus between semesters.

(2) By November 1, 2020, each community college receiving an appropriation in section 201 shall submit a report to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director containing the following information:

(a) A list of any student fees assessed related to online learning, and the amount of those fees.

(b) A list of any student fees assessed related to COVID-19, and the amount of those fees.

(c) A timeline of when decisions regarding the course types offered during the 2020-2021 academic year were made, and whether there were changes to those decisions before the academic year began.

(d) An overview of COVID-19 mitigation strategies employed or that may be employed, if necessary.

(e) An overview of COVID-19 testing criteria and mitigation strategies employed for controlling an outbreak on campus.

(3) As used in this section, "course type" means the style of course delivery as being in-person, online, or as a hybrid of in-person and online learning.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1826d Report on activities related to providing open and free expression and speech.

Sec. 226d. By February 1, 2021, each community college shall submit to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director a report on activities related to strategic planning and internal assessment or reassessment to best provide for open and free expression and speech, while protecting students from hate-speech, violence, and discrimination.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1826e Intent to provide certifications or degrees to 60% of the state's residents.

Sec. 226e. It is the intent of the legislature to ensure that 60% of Michigan's residents achieve a postsecondary credential, high-quality industry certification, associate degree, or bachelor's degree by 2030.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1827 Repealed. 2019, Act 52, Eff. Oct. 1, 2019.

Compiler's note: The repealed section pertained to a prohibition on the use of funds for vehicles manufactured outside the United States.

388.1828 Communication of employee with member of legislature or staff.

© Courtesy of www.legislature.mi.gov

Sec. 228. A community college shall not take disciplinary action against an employee for communicating with a member of the legislature or the legislator's staff.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1829 Applicant as veteran, current member of armed forces, or spouse or dependent; question; review of in-district tuition issue; "veteran" defined.

Sec. 229. (1) Each community college that receives an appropriation in section 201 is expected to include in its admission application process a specific question as to whether an applicant for admission has ever served or is currently serving in the United States Armed Forces or is the spouse or dependent of an individual who has served or is currently serving in the United States Armed Forces, in order to more quickly identify potential educational assistance available to that applicant.

(2) It is expected that each public community college that receives an appropriation in section 201 shall work with the house and senate community college subcommittees, the Michigan Community College Association, and veterans groups to review the issue of in-district tuition for veterans of this state when determining tuition rates and fees.

(3) Each community college that receives an appropriation in section 201 is expected to provide reasonable programming and scheduling accommodations necessary to facilitate a student's military, national guard, or military reserves duties and training obligations.

(4) As used in this section, "veteran" means an honorably discharged veteran entitled to educational assistance under the provisions of section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1829a Capital projects for community colleges.

Sec. 229a. Included in the fiscal year 2020-2021 appropriations for the department of technology, management, and budget are appropriations totaling $35,696,200.00 to provide funding for the state share of costs for previously constructed capital projects for community colleges. Those appropriations for state building authority rent represent additional state general fund support for community colleges, and the following is an estimate of the amount of that support to each community college:

(a) Alpena Community College, $701,800.00.
(b) Bay de Noc Community College, $686,600.00.
(c) Delta College, $3,845,000.00.
(d) Glen Oaks Community College, $124,700.00.
(e) Gogebic Community College, $56,800.00.
(f) Grand Rapids Community College, $2,604,800.00.
(g) Henry Ford College, $1,042,600.00.
(h) Jackson College, $2,194,800.00.
(i) Kalamazoo Valley Community College, $1,969,600.00.
(j) Kellogg Community College, $688,600.00.
(k) Kirtland Community College, $228,200.00.
(*l*) Lake Michigan College, $1,032,500.00.
(m) Lansing Community College, $1,157,200.00.
(n) Macomb Community College, $1,672,400.00.
(o) Mid Michigan Community College, $1,637,900.00.
(p) Monroe County Community College, $1,585,200.00.
(q) Montcalm Community College, $984,800.00.
(r) C.S. Mott Community College, $2,157,600.00.
(s) Muskegon Community College, $996,000.00.
(t) North Central Michigan College, $694,700.00.
(u) Northwestern Michigan College, $1,857,000.00.
(v) Oakland Community College, $471,600.00.
(w) Schoolcraft College, $1,770,800.00.
(x) Southwestern Michigan College, $834,200.00.
(y) St. Clair County Community College, $758,600.00.
(z) Washtenaw Community College, $1,699,800.00.
(aa) Wayne County Community College, $1,482,800.00.

© Courtesy of www.legislature.mi.gov

(bb) West Shore Community College, $759,600.00.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1829b Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's note: The repealed section pertained to providing accurate information on student educational outcomes in employment market.

388.1830 Community college operations; performance funding; distribution; formula; meeting best practice measures; resolution; categories of best practices; payments; condition.

Sec. 230. (1) With the exception of fiscal year 2020-2021, money included in the appropriations for community college operations under section 201(2) for performance funding is distributed based on the following formula:

(a) Allocated proportionate to fiscal year 2018-2019 base appropriations, 30%.

(b) Based on a weighted student contact hour formula as provided for in the 2016 recommendations of the performance indicators task force, 30%.

(c) Based on the performance improvement as provided for in the 2016 recommendations of the performance indicators task force and based on data provided by the center, 10%.

(d) Based on the performance completion number as provided for in the 2016 recommendations of the performance indicators task force, 10%.

(e) Based on the performance completion rate as provided for in the 2016 recommendations of the performance indicators task force and based on data provided by the center, 10%.

(f) Based on administrative costs, 5%.

(g) Based on the local strategic value component, as developed in cooperation with the Michigan Community College Association and described in subsection (2), 5%.

(2) Money included in the appropriations for community college operations under section 201(2) for local strategic value shall be allocated to each community college that certifies to the state budget director, through a board of trustees resolution on or before October 15, 2020, that the college has met 4 out of 5 best practices listed in each category described in subsection (3). The resolution shall provide specifics as to how the community college meets each best practice measure within each category. One-third of funding available under the strategic value component shall be allocated to each category described in subsection (3). Amounts distributed under local strategic value shall be on a proportionate basis to each college's fiscal year 2019-2020 operations funding. Payments to community colleges that qualify for local strategic value funding shall be distributed with the November installment payment described in section 206.

(3) For purposes of subsection (2), the following categories of best practices reflect functional activities of community colleges that have strategic value to the local communities and regional economies:

(a) For Category A, economic development and business or industry partnerships, the following:

(*i*) The community college has active partnerships with local employers including hospitals and health care providers.

(*ii*) The community college provides customized on-site training for area companies, employees, or both.

(*iii*) The community college supports entrepreneurship through a small business assistance center or other training or consulting activities targeted toward small businesses.

(*iv*) The community college supports technological advancement through industry partnerships, incubation activities, or operation of a Michigan technical education center or other advanced technology center.

(*v*) The community college has active partnerships with local or regional workforce and economic development agencies.

(b) For Category B, educational partnerships, the following:

(*i*) The community college has active partnerships with regional high schools, intermediate school districts, and career-tech centers to provide instruction through dual enrollment, concurrent enrollment, direct credit, middle college, or academy programs.

(*ii*) The community college hosts, sponsors, or participates in enrichment programs for area K-12 students, such as college days, summer or after-school programming, or Science Olympiad.

(*iii*) The community college provides, supports, or participates in programming to promote successful transitions to college for traditional age students, including grant programs such as talent search, upward bound, or other activities to promote college readiness in area high schools and community centers.

(*iv*) The community college provides, supports, or participates in programming to promote successful

© Courtesy of www.legislature.mi.gov

transitions to college for new or reentering adult students, such as adult basic education, a high school equivalency test preparation program and testing, or recruiting, advising, or orientation activities specific to adults. As used in this subparagraph, "high school equivalency test preparation program" means that term as defined in section 4.

(*v*) The community college has active partnerships with regional 4-year colleges and universities to promote successful transfer, such as articulation, 2+2, or reverse transfer agreements or operation of a university center.

(c) For Category C, community services, the following:

(*i*) The community college provides continuing education programming for leisure, wellness, personal enrichment, or professional development.

(*ii*) The community college operates or sponsors opportunities for community members to engage in activities that promote leisure, wellness, cultural or personal enrichment such as community sports teams, theater or musical ensembles, or artist guilds.

(*iii*) The community college operates public facilities to promote cultural, educational, or personal enrichment for community members, such as libraries, computer labs, performing arts centers, museums, art galleries, or television or radio stations.

(*iv*) The community college operates public facilities to promote leisure or wellness activities for community members, including gymnasiums, athletic fields, tennis courts, fitness centers, hiking or biking trails, or natural areas.

(*v*) The community college promotes, sponsors, or hosts community service activities for students, staff, or community members.

(4) Payments for performance funding under section 201(2) shall be made to a community college only if that community college actively participates in the Michigan Transfer Network sponsored by the Michigan Association of Collegiate Registrars and Admissions Officers and submits timely updates, including updated course equivalencies at least every 6 months, to the Michigan transfer network. The state budget director shall determine if a community college has not satisfied this requirement. The state budget director may withhold payments for performance funding until a community college is in compliance with this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 52, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1830a Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to review, evaluation, discussion, and recommendation regarding performance indicators.

ARTICLE III
STATE AID FOR UNIVERSITIES AND STUDENT FINANCIAL AID

388.1836 Higher education; appropriations; summary.

Sec. 236. (1) Subject to the conditions set forth in this article, the amounts listed in this section are appropriated for higher education for the fiscal year ending September 30, 2021, from the funds indicated in this section. The following is a summary of the appropriations in this section:

(a) The gross appropriation is $1,699,925,400.00. After deducting total interdepartmental grants and intradepartmental transfers in the amount of $0.00, the adjusted gross appropriation is $1,699,925,400.00.

(b) The sources of the adjusted gross appropriation described in subdivision (a) are as follows:

(*i*) Total federal revenues, $126,026,400.00.

(*ii*) Total local revenues, $0.00.

(*iii*) Total private revenues, $0.00.

(*iv*) Total other state restricted revenues, $356,063,300.00.

(*v*) State general fund/general purpose money, $1,217,835,700.00.

(2) Amounts appropriated for public universities are as follows:

(a) The appropriation for Central Michigan University is $89,564,500.00, $87,600,000.00 for operations, $0.00 for performance funding, and $1,964,500.00 for costs incurred under the North American Indian tuition waiver.

(b) The appropriation for Eastern Michigan University is $77,555,200.00, $77,253,700.00 for operations, $0.00 for performance funding, and $301,500.00 for costs incurred under the North American Indian tuition waiver.

© Courtesy of www.legislature.mi.gov

(c) The appropriation for Ferris State University is $55,934,300.00, $55,025,500.00 for operations, $0.00 for performance funding, and $908,800.00 for costs incurred under the North American Indian tuition waiver.

(d) The appropriation for Grand Valley State University is $73,490,700.00, $72,313,500.00 for operations, $0.00 for performance funding, and $1,177,200.00 for costs incurred under the North American Indian tuition waiver.

(e) The appropriation for Lake Superior State University is $15,252,100.00, $13,307,000.00 for operations, $0.00 for performance funding, and $945,100.00 for costs incurred under the North American Indian tuition waiver, and $1,000,000.00 for a 1-time pass-through payment for Bay Mills Community College.

(f) The appropriation for Michigan State University is $354,009,100.00, $287,331,700.00 for operations, $0.00 for performance funding, $1,604,000.00 for costs incurred under the North American Indian tuition waiver, $34,937,300.00 for MSU AgBioResearch, and $30,136,100.00 for MSU Extension.

(g) The appropriation for Michigan Technological University is $50,795,200.00, $50,101,600.00 for operations, $0.00 for performance funding, and $693,600.00 for costs incurred under the North American Indian tuition waiver.

(h) The appropriation for Northern Michigan University is $48,869,700.00, $47,809,100.00 for operations, $0.00 for performance funding, and $1,060,600.00 for costs incurred under the North American Indian tuition waiver.

(i) The appropriation for Oakland University is $53,413,500.00, $53,147,400.00 for operations, $0.00 for performance funding, and $266,100.00 for costs incurred under the North American Indian tuition waiver.

(j) The appropriation for Saginaw Valley State University is $30,803,300.00, $30,583,800.00 for operations, $0.00 for performance funding, and $219,500.00 for costs incurred under the North American Indian tuition waiver.

(k) The appropriation for University of Michigan – Ann Arbor is $322,931,100.00, $321,970,100.00 for operations, $0.00 for performance funding, and $961,000.00 for costs incurred under the North American Indian tuition waiver.

(*l*) The appropriation for University of Michigan – Dearborn is $26,334,800.00, $26,167,000.00 for operations, $0.00 for performance funding, and $167,800.00 for costs incurred under the North American Indian tuition waiver.

(m) The appropriation for University of Michigan – Flint is $23,964,400.00, $23,616,200.00 for operations, $0.00 for performance funding, and $348,200.00 for costs incurred under the North American Indian tuition waiver.

(n) The appropriation for Wayne State University is $203,458,900.00, $202,996,700.00 for operations, $0.00 for performance funding, and $462,200.00 for costs incurred under the North American Indian tuition waiver.

(o) The appropriation for Western Michigan University is $112,363,900.00, $111,522,200.00 for operations, $0.00 for performance funding, and $841,700.00 for costs incurred under the North American Indian tuition waiver.

(3) The amount appropriated in subsection (2) for public universities is $1,538,740,700.00, appropriated from the following:

(a) State school aid fund, $343,168,300.00.

(b) State general fund/general purpose money, $1,195,572,400.00.

(4) The amount appropriated for Michigan public school employees' retirement system reimbursement is $11,695,000.00, appropriated from the state school aid fund.

(5) The amount appropriated for state and regional programs is $315,000.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Higher education database modernization and conversion, $200,000.00.

(b) Midwestern Higher Education Compact, $115,000.00.

(6) The amount appropriated for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks program is $2,691,500.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Select student support services, $1,956,100.00.

(b) Michigan college/university partnership program, $586,800.00.

(c) Morris Hood, Jr. educator development program, $148,600.00.

(7) Subject to subsection (8), the amount appropriated for grants and financial aid is $145,283,200.00, allocated as follows:

(a) State competitive scholarships, $29,861,700.00.

(b) Tuition grants, $42,021,500.00.

(c) Tuition incentive program, $68,800,000.00.

(d) Children of veterans and officer's survivor tuition grant programs, $1,400,000.00.

© Courtesy of www.legislature.mi.gov

(e) Project GEAR-UP, $3,200,000.00.

(8) The money appropriated in subsection (7) for grants and financial aid is appropriated from the following:

(a) Federal revenues under the United States Department of Education, Office of Elementary and Secondary Education, GEAR-UP program, $3,200,000.00.

(b) Federal revenues under the social security act, temporary assistance for needy families, $122,826,400.00.

(c) State general fund/general purpose money, $19,256,800.00.

(9) For fiscal year 2020-2021 only, in addition to the allocation under subsection (4), from the appropriations described in subsection (1), there is allocated an amount not to exceed $1,200,000.00 for payments to participating public universities, appropriated from the state school aid fund. A university that receives money under this subsection shall use that money solely for the purpose of offsetting the normal cost contribution rate. As used in this subsection, "participating public universities" means public universities that are a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pay contributions to the Michigan public school employees' retirement system for the state fiscal year.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Subsection (7)(b), as amended by Act 62 of 2019, and which read "(b) Tuition grants, $38,021,500.00." was vetoed by the governor on September 30, 2019.

Subsection (10), as added by Act 62 of 2019, was vetoed by the governor on September 30, 2019.

Enacting section 1 of Act 62 of 2019 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2019-2020 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,557,518,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $0.00."

388.1836a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to legislative intent for appropriations for fiscal year ending September 30, 2021.

388.1836b Federal contingency funds.

Sec. 236b. In addition to the funds appropriated in section 236, there is appropriated for grants and financial aid in fiscal year 2020-2021 an amount not to exceed $6,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for another purpose under this article.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1836c State building authority rent.

Sec. 236c. In addition to the funds appropriated for fiscal year 2020-2021 in section 236, appropriations to the department of technology, management, and budget in the act providing general appropriations for fiscal year 2020-2021 for state building authority rent, totaling an estimated $145,848,500.00 provide funding for the state share of costs for previously constructed capital projects for state universities. These appropriations for state building authority rent represent additional state general fund support provided to public universities, and the following is an estimate of the amount of that support to each university:

(a) Central Michigan University, $13,078,900.00.

(b) Eastern Michigan University, $7,074,300.00.

(c) Ferris State University, $7,939,200.00.

(d) Grand Valley State University, $7,229,800.00.

(e) Lake Superior State University, $1,805,200.00.

(f) Michigan State University, $15,199,500.00.

(g) Michigan Technological University, $6,805,300.00.

(h) Northern Michigan University, $7,334,200.00.

(i) Oakland University, $12,708,600.00.

(j) Saginaw Valley State University, $7,907,100.00.

(k) University of Michigan - Ann Arbor, $9,644,100.00.

© Courtesy of www.legislature.mi.gov

(*l*) University of Michigan - Dearborn, $11,106,100.00.
(m) University of Michigan - Flint, $6,413,000.00.
(n) Wayne State University, $16,610,900.00.
(o) Western Michigan University, $14,989,300.00.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1836d Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to appropriation of amounts for higher education to increase allocation for tuition incentive program and for grants and financial aid.

388.1836e Repealed 2017, Act 108, Eff. October 1, 2017.

Compiler's note: The repealed section pertained to increase in allocations to tuition reimbursement program and tuition incentive program.

388.1836f Repealed. 2018, Act 265, Eff. October 1, 2018.

Compiler's note: The repealed section pertained to revision of allocations under section 236(7) for fiscal year ending September 30, 2018.

388.1836g Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to federal funding to public universities from the coronavirus relief fund.

388.1837 Appropriations subject to MCL 18.1101 to 18.1594.

Sec. 237. All of the appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2019, Act 62, Eff. Oct. 1, 2019.

388.1837a Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to definition of "research facility."

388.1837b "Center" defined.

Sec. 237b. As used in this article, "center" means the center for educational performance and information created in section 94a.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1838 Reporting requirements for public university; use of internet.

Sec. 238. Unless otherwise specified, a public university receiving appropriations in section 236 shall use the internet to fulfill the reporting requirements of this article. This requirement includes transmission of reports via electronic mail to the recipients identified for each reporting requirement and placement of reports on an internet site.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1839 Purchase of goods or services; preference.

Sec. 239. A public university shall not use funds appropriated in section 236 for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods and services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable value. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans if they are competitively priced and of comparable quality.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1839a Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to the lease or purchase of vehicles manufactured outside of the United States.

388.1840 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

© Courtesy of www.legislature.mi.gov

Compiler's note: The repealed section pertained to deprived and depressed communities.

388.1841 Payments to public universities; monthly installments; higher education institutional data inventory (HEIDI) data and associated financial aid program information.

Sec. 241. (1) Subject to sections 244 and 265a, the funds appropriated in section 236 to public universities shall be paid out of the state treasury and distributed by the state treasurer to the respective institutions in 11 equal monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2020. Except for Wayne State University, each institution shall accrue its July and August 2021 payments to its institutional fiscal year ending June 30, 2021.

(2) All public universities shall submit higher education institutional data inventory (HEIDI) data and associated financial and program information requested by and in a manner prescribed by the state budget director. For public universities with fiscal years ending June 30, these data shall be submitted to the state budget director by November 15 for fiscal year 2020-2021 and October 15 of each fiscal year thereafter. Public universities with a fiscal year ending September 30, 2020 shall submit preliminary HEIDI data by November 15, 2020 and final data by December 15, 2020. If a public university fails to submit HEIDI data and associated financial aid program information in accordance with this reporting schedule, the state treasurer may withhold the monthly installments under subsection (1) to the public university until those data are submitted.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: In the first sentence of subsection (2), the reference to "associated financial and program information "evidently should read "associated financial aid program information."

388.1842 Federal or private funds; use.

Sec. 242. Funds received by the state from the federal government or private sources for the use of a college or university are appropriated for the purposes for which they are provided.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1843 Furnishing program and financial information.

Sec. 243. Each public university that receives funds under this article shall furnish all program and financial information that is required by and in a manner prescribed by the state budget director or the house or senate appropriations committee.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1844 Longitudinal data system data; inclusion in statewide P-20 longitudinal data system.

Sec. 244. By October 15 of each year, a public university receiving funds in section 236 shall provide its longitudinal data system data set for the preceding academic year to the center for inclusion in the statewide P-20 longitudinal data system described in section 94a. If the state budget director finds that a university has not complied with this section, the state budget director is authorized to withhold the monthly installments provided to that university under section 241 until he or she finds the university has complied with this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2017, Act 108, Eff. Oct. 1, 2017.

388.1845 Public transparency website; maintenance by public university; contents; "best practice" measures; dashboard or report card; icon badge; determination of compliance with section; report.

Sec. 245. (1) A public university shall maintain a public transparency website available through a link on its website homepage. The public university shall update this website within 30 days after the university's governing board adopts its annual operating budget for the next academic year, or after the governing board adopts a subsequent revision to that budget.

(2) The website required under subsection (1) shall include all of the following concerning the public university:

(a) The annual operating budget and subsequent budget revisions.

(b) A summary of current expenditures for the most recent fiscal year for which they are available, expressed as pie charts in the following 2 categories:

© Courtesy of www.legislature.mi.gov

(*i*) A chart of personnel expenditures, broken into the following subcategories:

(A) Earnings and wages.

(B) Employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits.

(C) Retirement benefit costs.

(D) All other personnel costs.

(*ii*) A chart of all current expenditures the public university reported as part of its higher education institutional data inventory data under section 241(2), broken into the same subcategories in which it reported those data.

(c) Links to all of the following for the public university:

(*i*) The current collective bargaining agreement for each bargaining unit.

(*ii*) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee of the public university.

(*iii*) Audits and financial reports for the most recent fiscal year for which they are available.

(d) A list of all positions funded partially or wholly through institutional general fund revenue that includes the position title and annual salary or wage amount for each position.

(e) General fund revenue and expenditure projections for the current fiscal year and the next fiscal year.

(f) A listing of all debt service obligations, detailed by project, anticipated fiscal year payment for each project, and total outstanding debt for the current fiscal year.

(g) The institution's policy regarding the transferability of core college courses between community colleges and the university.

(h) A listing of all community colleges that have entered into reverse transfer agreements with the university.

(3) On the website required under subsection (1), a public university shall provide a dashboard or report card demonstrating the university's performance in several "best practice" measures. The dashboard or report card shall include at least all of the following for the 3 most recent academic years for which the data are available:

(a) Enrollment.

(b) Student retention rate.

(c) Six-year graduation rates.

(d) Number of Pell grant recipients and graduating Pell grant recipients.

(e) Geographic origination of students, categorized as in-state, out-of-state, and international.

(f) Faculty to student ratios and total university employee to student ratios.

(g) Teaching load by faculty classification.

(h) Graduation outcome rates, including employment and continuing education.

(4) For statewide consistency and public visibility, public universities must use the icon badge provided by the department of technology, management, and budget consistent with the icon badge developed by the department of education for K-12 school districts. It must appear on the front of each public university's homepage. The size of the icon may be reduced to 150 x 150 pixels. The font size and style for this reporting must be consistent with other documents on each university's website.

(5) The state budget director shall determine whether a public university has complied with this section. The state budget director may withhold a public university's monthly installments described in section 241 until the public university complies with this section.

(6) By the first business day of November of each year, a public university shall post the following information on its website under the budget transparency icon badge:

(a) Opportunities for earning college credit through the following programs:

(*i*) State approved career and technical education or a tech prep articulated program of study.

(*ii*) Direct college credit or concurrent enrollment.

(*iii*) Dual enrollment.

(*iv*) An early college/middle college program.

(b) For each program described in subdivision (a) that the public university offers, all of the following information:

(*i*) The number of high school students participating in the program.

(*ii*) The number of school districts that participate in the program with the public university.

(*iii*) Whether a university professor, qualified local school district employee, or other individual teaches the course or courses in the program.

(*iv*) The total cost to the public university to operate the program.

© Courtesy of www.legislature.mi.gov

(*v*) The cost per credit hour for the course or courses in the program.

(*vi*) The location where the course or courses in the program are held.

(*vii*) Instructional resources offered to the program instructors.

(*viii*) Resources offered to the student in the program.

(*ix*) Transportation services provided to students in the program.

(7) A public university shall collect and report the number and percentage of all enrolled students who complete the Free Application for Federal Student Aid, broken out by undergraduate and graduate/professional classifications, to the center and post the information on its website under the budget transparency icon badge.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1845a Campus safety information and resources link; available on website; requirements; compliance certification.

Sec. 245a. (1) A public university shall develop, maintain, and update a "campus safety information and resources" link, prominently displayed on the homepage of its website, to a section of its website containing all of the information required under subsection (2).

(2) The "campus safety information and resources" section of a public university's website shall include, but not be limited to, all of the following information:

(a) Emergency contact numbers for police, fire, health, and other services.

(b) Hours, locations, phone numbers, and electronic mail contacts for campus public safety offices and title IX offices.

(c) A listing of safety and security services provided by the university, including transportation, escort services, building surveillance, anonymous tip lines, and other available security services.

(d) A public university's policies applicable to minors on university property.

(e) A directory of resources available at the university or surrounding community for students or employees who are survivors of sexual assault or sexual abuse.

(f) An electronic copy of "A Resource Handbook for Campus Sexual Assault Survivors, Friends and Family", published in 2018.

(g) Campus security policies and crime statistics pursuant to the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381. Information shall include all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381.

(3) A public university shall certify to the state budget director by October 1, 2020 that it is in compliance with this section. The state budget director may withhold a public university's monthly installments described in section 241 until the public university complies with this section.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1846 Michigan public school employees' retirement system reimbursement; allocation to participating public university; definition.

Sec. 246. (1) All of the following apply to the allocation of the appropriations described in section 236(4) for payments to universities that are participating entities of the Michigan public school employees' retirement system:

(a) The funds appropriated in section 236(4) for Michigan public school employees' retirement system reimbursement shall be allocated to each participating public university under this section based on each participating public university's percentage of the total combined payrolls of the universities' employees who are members of the retirement system and who were hired before January 1, 1996 and the universities' employees who would have been members of the retirement system on or after January 1, 1996, but for the enactment of 1995 PA 272 for all public universities that are participating public universities for the immediately preceding state fiscal year.

(b) The amount of a payment under section 236(4) shall be equal to the difference between the unfunded actuarial accrued liability contribution rate for university reporting units as calculated under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, as calculated without taking into account the maximum employer rate of 25.73% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, and the maximum employer rate for university reporting units of 25.73% under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341. Payments shall be made in a form and manner determined by the office of retirement services.

© Courtesy of www.legislature.mi.gov

(c) A public university that receives money under section 236(4) shall use that money solely for the purpose of retirement contributions. Each participating university that receives funds under section 236(4) shall forward an amount equal to the amount received under section 236(4) to the Michigan public school employees' retirement system in a form and manner determined by the office of retirement services.

(2) As used in this section, "participating public university" means a public university that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pays contributions to the Michigan public school employees' retirement system for the state fiscal year.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016.

388.1849 Children of veterans and officer's survivor tuition grant programs.

Sec. 249. (1) The funds appropriated in section 236 for the children of veterans and officer's survivor tuition grant programs shall be supported with revenue from the restricted account created in section 5 of the children of veterans tuition grant act, 2005 PA 248, MCL 390.1345. As provided in section 5 of the children of veterans tuition grant act, 2005 PA 248, MCL 390.1345, unexpended funds remaining in the restricted account at the end of the fiscal year shall not lapse to the general fund.

(2) The general fund/general purpose funds appropriated in section 236 for the children of veterans and officer's survivor tuition grant programs shall be deposited into the restricted account described in subsection (1), as required in section 5 of the children of veterans tuition grant act, 2005 PA 248, MCL 390.1345.

(3) Funds deposited into the restricted account under subsection (2) for the children of veterans and officer's survivor tuition grant programs are appropriated and available for allocation as required in the children of veterans tuition grant act, 2005 PA 248, MCL 390.1341 to 390.1346.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017.

388.1850 Eligibility for scholarship or grant financial aid program; filing of Free Application for Federal Student Aid required.

Sec. 250. To be considered eligible for any scholarship or grant financial aid program administered by the department of treasury, the student must file the Free Application for Federal Student Aid (FAFSA) annually.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017.

388.1851 State competitive scholarship program.

Sec. 251. (1) Payments of the amounts included in section 236 for the state competitive scholarship program shall be distributed pursuant to 1964 PA 208, MCL 390.971 to 390.981.

(2) Pursuant to section 6 of 1964 PA 208, MCL 390.976, the department of treasury shall determine an actual state competitive scholarship award per student, which shall be $1,000.00, that ensures that the aggregate payments for the state competitive scholarship program do not exceed the appropriation contained in section 236 for the state competitive scholarship program. If the department determines that insufficient funds are available to establish an award amount equal to $1,000.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the estimated amount of additional funds necessary to establish a $1,000.00 award amount.

(3) The department of treasury shall implement a proportional competitive scholarship award level for recipients enrolled less than full-time in a given semester or term.

(4) If a student who receives an award under this section has his or her tuition and fees paid under the Michigan educational trust program, pursuant to the Michigan education trust act, 1986 PA 316, MCL 390.1421 to 390.1442, and still has financial need, the funds awarded under this section may be used for educational expenses other than tuition and fees.

(5) If the department of treasury increases the award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the grant shall be proportional for all eligible students receiving awards.

(6) Veterans Administration benefits shall not be considered in determining eligibility for the award of scholarships under 1964 PA 208, MCL 390.971 to 390.981.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019.

© Courtesy of www.legislature.mi.gov

388.1852 State tuition grant award.

Sec. 252. (1) The amounts appropriated in section 236 for the state tuition grant program shall be distributed pursuant to 1966 PA 313, MCL 390.991 to 390.997a.

(2) Tuition grant awards shall be made to all eligible Michigan residents enrolled in undergraduate degree programs who are qualified and who apply by March 1 of each year for the next academic year.

(3) Pursuant to section 5 of 1966 PA 313, MCL 390.995, and subject to subsections (6) and (7), the department of treasury shall determine an actual tuition grant award per student, which shall be $2,800.00, that ensures that the aggregate payments for the tuition grant program do not exceed the appropriation contained in section 236 for the state tuition grant program. If the department determines that insufficient funds are available to establish an award amount equal to $2,800.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the estimated amount of additional funds necessary to establish a $2,800.00 award amount. If the department determines that sufficient funds are available to establish an award amount equal to $2,800.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the award amount established and the projected amount of any projected year-end appropriation balance based on that award amount. By February 18 of each fiscal year, the department shall analyze the status of award commitments, shall make any necessary adjustments, and shall confirm that those award commitments will not exceed the appropriation contained in section 236 for the tuition grant program. The determination and actions shall be reported to the state budget director and the house and senate fiscal agencies no later than the final day of February of each year. If award adjustments are necessary, the students shall be notified of the adjustment by March 4 of each year.

(4) The department of treasury shall continue a proportional tuition grant award level for recipients enrolled less than full-time in a given semester or term.

(5) If the department of treasury increases the award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the grant shall be proportional for all eligible students receiving awards for that fiscal year.

(6) The department of treasury shall not award more than $4,800,000.00 in tuition grants to eligible students enrolled in the same independent nonprofit college or university in this state. Any decrease in the grant shall be proportional for all eligible students enrolled in that college or university, as determined by the department. The limit described in this subsection does not apply to any other student financial aid program or in combination with any other student financial aid program.

(7) The department of treasury shall not award tuition grants to otherwise eligible students enrolled in an independent college or university that does not report, in a form and manner directed by and satisfactory to the department of treasury, by October 31 of each year, all of the following:

(a) The number of students in the most recently completed academic year who in any academic year received a state tuition grant at the reporting institution and successfully completed a program or graduated.

(b) The number of students in the most recently completed academic year who in any academic year received a state tuition grant at the reporting institution and took a remedial education class.

(c) The number of students in the most recently completed academic year who in any academic year received a Pell grant at the reporting institution and successfully completed a program or graduated.

(8) By February 1 of each year, each independent college and university participating in the tuition grant program shall report to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, and the state budget director on its efforts to develop and implement sexual assault response training for the institution's title IX coordinator, campus law enforcement personnel, campus public safety personnel, and any other campus personnel charged with responding to on-campus incidents, including information on sexual assault response training materials and the status of implementing sexual assault response training for institutional personnel.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019.

Compiler's note: Sec. 252, as amended by Act 62 of 2019, was vetoed by the governor on September 30, 2019.

388.1853 Audit of enrollments, degrees, and awards at independent colleges and universities.

Sec. 253. The auditor general may audit selected enrollments, degrees, and awards at selected independent colleges and universities receiving awards that are administered by the department of treasury. The audits

© Courtesy of www.legislature.mi.gov

shall be based upon definitions and requirements established by the department of treasury, the state budget director, and the senate and house fiscal agencies. The auditor general shall accept the Free Application for Federal Student Aid (FAFSA) form as the standard of residency documentation.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1854 State competitive scholarship, tuition incentive, and tuition grant programs; payments.

Sec. 254. The sums appropriated in section 236 for the state competitive scholarship, tuition incentive, and tuition grant programs shall be paid out of the state treasury and shall be distributed to the respective institutions under a quarterly payment system as follows:

(a) For the state competitive scholarship and tuition grant programs, 50% shall be paid at the beginning of the state's first fiscal quarter, 30% during the state's second fiscal quarter, 10% during the state's third fiscal quarter, and 10% during the state's fourth fiscal quarter.

(b) For the tuition incentive program, 65% shall be paid at the beginning of the state's first fiscal quarter, and 35% during the state's second fiscal quarter.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017.

388.1855 Needs analysis criteria.

Sec. 255. The department of treasury shall determine the needs analysis criteria for students to qualify for the state competitive scholarship program and tuition grant program. To be consistent with federal requirements, the department of treasury may take student wages into consideration when determining the amount of the award.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1856 Tuition incentive program; eligibility requirements.

Sec. 256. (1) The funds appropriated in section 236 for the tuition incentive program must be distributed as provided in this section and pursuant to the administrative procedures for the tuition incentive program of the department of treasury.

(2) As used in this section:

(a) "Phase I" means the first part of the tuition incentive program defined as the academic period of 80 semester or 120 term credits, or less, leading to an associate degree or certificate. Students must be enrolled in a certificate or associate degree program and taking classes within the program of study for a certificate or associate degree. Tuition will not be covered for courses outside of a certificate or associate degree program.

(b) "Phase II" means the second part of the tuition incentive program that provides assistance in the third and fourth year of 4-year degree programs.

(c) "Department" means the department of treasury.

(d) "High school equivalency certificate" means that term as defined in section 4.

(3) An individual must meet the following basic criteria and financial thresholds to be eligible for tuition incentive program benefits:

(a) To be eligible for phase I, an individual must meet all of the following criteria:

(*i*) Be less than 20 years of age at the time he or she graduates from high school with a diploma or certificate of completion or achieves a high school equivalency certificate or, for students attending a 5-year middle college approved by the Michigan department of education, be less than 21 years of age when he or she graduates from high school.

(*ii*) Be a United States citizen and a resident of this state according to institutional criteria.

(*iii*) Be at least a half-time student, earning less than 80 semester or 120 term credits at a participating educational institution within 4 years of high school graduation or achievement of a high school equivalency certificate. All program eligibility expires 10 years after initial enrollment at a participating educational institution.

(*iv*) Meet the satisfactory academic progress policy of the educational institution he or she attends.

(b) To be eligible for phase II, an individual must meet either of the following criteria in addition to the criteria in subdivision (a):

(*i*) Complete at least 56 transferable semester or 84 transferable term credits.

(*ii*) Obtain an associate degree or certificate at a participating institution.

(c) To be eligible for phase I or phase II, an individual must be financially eligible as determined by the department. An individual is financially eligible for the tuition incentive program if he or she was eligible for Medicaid from this state for 24 months within the 36 consecutive months before application. The department

© Courtesy of www.legislature.mi.gov

shall accept certification of Medicaid eligibility only from the department of health and human services for the purposes of verifying if a person is Medicaid eligible for 24 months within the 36 consecutive months before application. Certification of eligibility may begin in the sixth grade.

(4) For phase I, the department shall provide payment on behalf of a person eligible under subsection (3). The department shall only accept standard per-credit hour tuition billings and shall reject billings that are excessive or outside the guidelines for the type of educational institution.

(5) For phase I, all of the following apply:

(a) Payments for associate degree or certificate programs must not be made for more than 80 semester or 120 term credits for any individual student at any participating institution.

(b) For persons enrolled at a Michigan community college, the department shall pay the current in-district tuition and mandatory fees. For persons residing in an area that is not included in any community college district, the out-of-district tuition rate may be authorized.

(c) For persons enrolled at a Michigan public university, the department shall pay lower division resident tuition and mandatory fees for the current year.

(d) For persons enrolled at a Michigan independent, nonprofit degree-granting college or university, or a Michigan federal tribally controlled community college, or Focus: HOPE, the department shall pay mandatory fees for the current year and a per-credit payment that does not exceed the average community college in-district per-credit tuition rate as reported by the last business day of August for the immediately preceding academic year.

(6) A person participating in phase II may be eligible for additional funds not to exceed $500.00 per semester or $400.00 per term up to a maximum of $2,000.00 subject to the following conditions:

(a) Credits are earned in a 4-year program at a Michigan degree-granting 4-year college or university.

(b) The tuition reimbursement is for coursework completed within 30 months of completion of the phase I requirements.

(7) The department shall work closely with participating institutions to provide the highest level of participation and ensure that all requirements of the program are met.

(8) The department shall notify students of their financial eligibility for the program any time after the student begins sixth grade.

(9) Except as otherwise provided in section 3(d) of the Michigan reconnect grant act, 2020 PA 84, MCL 390.1703, and section 17 of the Michigan reconnect grant recipient act, 2020 PA 68, MCL 390.1717, each institution shall ensure that all known available restricted grants for tuition and fees are used prior to billing the tuition incentive program for any portion of a student's tuition and fees.

(10) The department shall ensure that the tuition incentive program is well publicized and that eligible Medicaid clients are provided information on the program. The department shall provide the necessary funding and staff to fully operate the program.

(11) The department of treasury shall collaborate with the center to use the P-20 longitudinal data system to report the following information for each qualified postsecondary institution:

(a) The number of phase I students in the most recently completed academic year who in any academic year received a tuition incentive program award and who successfully completed a degree or certificate program. Cohort graduation rates for phase I students shall be calculated using the established success rate methodology developed by the center in collaboration with the postsecondary institutions.

(b) The number of students in the most recently completed academic year who in any academic year received a Pell grant at the reporting institution and who successfully completed a degree or certificate program. Cohort graduation rates for students who received Pell grants must be calculated using the established success rate methodology developed by the center in collaboration with the postsecondary institutions.

(12) Beginning in fiscal year 2020-2021, if a qualified postsecondary institution does not report the data necessary to complete the reporting in subsection (11) to the P-20 longitudinal data system by October 15 for the prior academic year, the department of treasury shall not award phase I tuition incentive program funding to otherwise eligible students enrolled in that institution until the data are submitted.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 56, Eff. June 27, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 69, Imd. Eff. Apr. 2, 2020;—Am. 2020, Act 146, Imd. Eff. July 31, 2020;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1857 Availability of data.

Sec. 257. To enable the legislature and the state budget director to evaluate the appropriation needs of higher education, each independent college and university shall make available to the legislature or state

© Courtesy of www.legislature.mi.gov

budget director, upon request, data regarding grants for the preceding, current, and future fiscal years.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1858 Student financial aid programs; report.

Sec. 258. By February 15 of each year, the department of treasury shall post to its publicly available website a report for the preceding fiscal year on all student financial aid programs for which funds are appropriated in section 236. For each student financial aid program, the report shall include, but is not limited to, the total number of awards paid in the preceding fiscal year, the total dollar amount of those awards, and the number of students receiving awards and the total amount of those awards at each eligible postsecondary institution. To the extent information is available, the report shall also include information on household income and other demographic characteristics of students receiving awards under each program and historical information on the number of awards and total award amounts for each program.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013.

388.1859 Informational campaign for financial aid programs.

Sec. 259. It is the intent of the legislature that the department of treasury launch an aggressive campaign to inform high school students about the financial aid programs offered by this state and the eligibility requirements for participation in those financial aid programs.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: Former MCL 388.1859, which pertained to college access programs, was repealed by Act 85 of 2015, Eff. Oct. 1, 2015.

388.1860 Online information resource for student loan borrowers; requirements; link on website.

Sec. 260. (1) The department of treasury shall work with student and postsecondary education groups, including the Michigan College Access Network, the Michigan Association of State Universities, the Michigan Community College Association, and the Michigan Independent Colleges and Universities, to provide an online informational resource for prospective and current student loan borrowers. The online informational resource must be a website or a portion of an existing website designed and maintained by the department of treasury that, to the extent practicable, contains information including, but not limited to, all of the following:

(a) A list of public and private community support centers, student debt clinics, and other organizations and their contact information submitted by Michigan College Access Network that provides free information and services for student loan borrowers to help educate them about repayment options and to help them access student loan programs or benefits for which they may be eligible.

(b) Links to state and federal financial aid programs, including FAFSA and College Scorecard.

(c) Benefits of federal student loans that may no longer be available if a borrower refinances a loan.

(d) Links to net price calculators for community colleges receiving an appropriation in section 201 and universities receiving an appropriation in section 236, if available.

(e) A list of loan servicers, including FAFSA.gov for federal loans, and contact information for each and for federally held loans made through the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan Program.

(f) Information on the fundamentals of borrowing and repayment, including, but not limited to, all of the following:

(*i*) Types of student loans and repayment options, including income-driven repayment, and a listing of employers in this state offering employment eligible for public service loan-forgiveness.

(*ii*) Deciding how much to borrow.

(*iii*) Creating a plan for borrowing and repayment.

(*iv*) Estimating how much borrowing is needed for a given school year.

(*v*) Evaluating financial aid offers.

(*vi*) Factors that affect total student loan costs.

(*vii*) Tips for graduating with less student loan debt.

(*viii*) A loan payment calculator or a link to a loan payment calculator that can be used for different types of loans.

(*ix*) Links to federal student loan entrance and exit counseling services and the FACT tool.

(*x*) Student loan debt relief scams.

(g) A list of student loan providers in this state.

(2) A university receiving an appropriation in section 236 shall place a prominent link to the website

© Courtesy of www.legislature.mi.gov

created under this section on its website homepage.

(3) Independent colleges and universities in this state are encouraged to place a link to the website created under this section on their website homepages.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1861 University of Michigan biological station at Douglas Lake.

Sec. 261. The University of Michigan biological station at Douglas Lake in Cheboygan County is considered a unique resource and is designated as a special research reserve. It is the intent of the legislature to protect and preserve the unique long-term research value and capabilities of the biological station area and Douglas Lake. The legislature further intends that no state programs or policies be developed that would have a deleterious impact on the research value of Douglas Lake.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1862 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to policies to minimize cost of textbooks and course materials.

388.1862a Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to policies for reviewing textbook and course materials.

388.1863 Project GREEEN.

Sec. 263. (1) Included in the appropriation in section 236 for fiscal year 2020-2021 for MSU AgBioResearch is $2,982,900.00 and included in the appropriation in section 236 for MSU Extension is $2,645,200.00 for Project GREEEN. Project GREEEN is intended to address critical regulatory, food safety, economic, and environmental problems faced by this state's plant-based agriculture, forestry, and processing industries. "GREEEN" is an acronym for Generating Research and Extension to Meet Environmental and Economic Needs.

(2) The department of agriculture and rural development and Michigan State University, in consultation with agricultural commodity groups and other interested parties, shall develop Project GREEEN and its program priorities.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1863a MSU AgBioResearch and MSU Extension; report.

Sec. 263a. (1) Not later than September 30 of each year, Michigan State University shall submit a report on MSU AgBioResearch and MSU Extension to the house and senate appropriations subcommittees on agriculture and on higher education, the house and senate standing committees on agriculture, the house and senate fiscal agencies, and the state budget director for the preceding academic fiscal year.

(2) The report required under subsection (1) shall include all of the following:

(a) Total funds expended by MSU AgBioResearch and by MSU Extension identified by state, local, private, federal, and university fund sources.

(b) A review of major programs within both MSU AgBioResearch and MSU Extension with specific reference to accomplishments, impacts, and a specific accounting of Project GREEEN expenditures and the impact of those expenditures. The program review for MSU AgBioResearch and MSU Extension should include the following:

(*i*) The number of agriculture and food-related firms collaborating with and using services of research and extension faculty and staff.

(*ii*) The number of individuals utilizing MSU Extension's educational services.

(*iii*) External funds generated in support of research and extension.

(*iv*) Efforts to improve access to healthy foods for Michigan consumers.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2019, Act 62, Eff. Oct. 1, 2019.

388.1864 Michigan Future Farmers of America Association.

Sec. 264. Included in the appropriation in section 236 for fiscal year 2020-2021 for Michigan State University is $80,000.00 for the Michigan Future Farmers of America Association. This $80,000.00 allocation shall not supplant any existing support that Michigan State University provides to the Michigan Future Farmers of America Association.

© Courtesy of www.legislature.mi.gov

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1865 Performance funding; payment conditions; limitation on tuition and fee rates; certification; definitions; uniform reporting requirements; universities exceeding tuition and fee rate cap.

Sec. 265. (1) Payments under section 265a for performance funding for fiscal years 2020-2021, 2021-2022, and 2022-2023 shall only be made to a public university that certifies to the state budget director by October 1, 2020 that its board did not adopt an increase in tuition and fee rates for resident undergraduate students after September 1, 2019 for the 2019-2020 academic year and that its board will not adopt an increase in tuition and fee rates for resident undergraduate students for the 2020-2021 academic year that is greater than 4.25% or $586.00, whichever is greater. As used in this subsection:

(a) "Fee" means any board-authorized fee that will be paid by more than 1/2 of all resident undergraduate students at least once during their enrollment at a public university, as described in the higher education institutional data inventory (HEIDI) user manual. A university increasing a fee that applies to a specific subset of students or courses shall provide sufficient information to prove that the increase applied to that subset will not cause the increase in the average amount of board-authorized total tuition and fees paid by resident undergraduate students in the 2020-2021 academic year to exceed the limit established in this subsection.

(b) "Tuition and fee rate" means the average of full-time rates paid by a majority of students in each undergraduate class, based on an unweighted average of the rates authorized by the university board and actually charged to students, deducting any uniformly rebated or refunded amounts, for the 2 semesters with the highest levels of full-time equated resident undergraduate enrollment during the academic year, as described in the higher education institutional data inventory (HEIDI) user manual.

(2) The state budget director shall implement uniform reporting requirements to ensure that a public university receiving a payment under section 265a for performance funding has satisfied the tuition restraint requirements of this section. The state budget director shall have the sole authority to determine if a public university has met the requirements of this section. Information reported by a public university to the state budget director under this subsection shall also be reported to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.

(3) Universities that exceed the tuition and fee rate cap described in subsection (1) shall not receive a planning or construction authorization for a state-funded capital outlay project in fiscal years 2021-2022, 2022-2023, or 2023-2024.

(4) Notwithstanding any other provision of this act, the legislature may at any time adjust appropriations for a university that adopts an increase in tuition and fee rates for resident undergraduate students that exceeds the rate cap established in subsection (1).

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1865a Performance funding; payments; unpaid amounts; report; distribution formula; score; "Carnegie classification" defined; legislative intent.

Sec. 265a. (1) Appropriations to public universities in section 236 for fiscal years 2019-2020, 2020-2021, and 2021-2022 for performance funding shall be paid only to a public university that complies with section 265 and certifies to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies by October 1, 2019 that it complies with all of the following requirements:

(a) The university participates in reverse transfer agreements described in section 286 with at least 3 Michigan community colleges.

(b) The university does not and will not consider whether dual enrollment credits earned by an incoming student were utilized towards his or her high school graduation requirements when making a determination as to whether those credits may be used by the student toward completion of a university degree or certificate program.

(c) The university actively participates in and submits timely updates to the Michigan Transfer Network created as part of the Michigan Association of Collegiate Registrars and Admissions Officers transfer agreement.

(2) Any performance funding amounts under section 236 that are not paid to a public university because it

© Courtesy of www.legislature.mi.gov

did not comply with 1 or more requirements under subsection (1) are unappropriated and reappropriated for performance funding to those public universities that meet the requirements under subsection (1), distributed in proportion to their performance funding appropriation amounts under section 236.

(3) The state budget director shall report to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies by October 15, 2019, regarding any performance funding amounts that are not paid to a public university because it did not comply with 1 or more requirements under subsection (1) and any reappropriation of funds under subsection (2).

(4) Performance funding amounts described in section 236 are distributed based on the following formula:

(a) Proportional to each university's share of total operations funding appropriated in fiscal year 2010 2011, 50%.

(b) Based on weighted undergraduate completions in critical skills areas, 11.1%.

(c) Based on research and development expenditures, for universities classified in Carnegie classifications as doctoral universities: moderate research activity, doctoral universities: higher research activity, or doctoral universities: highest research activity only, 5.6%.

(d) Based on 6-year graduation rate, total degree completions, and institutional support as a percentage of core expenditures, and the percentage of students receiving Pell grants, scored against national Carnegie classification peers and weighted by total undergraduate fiscal year equated students, 33.3%.

(5) For purposes of determining the score of a university under subsection (4)(d), each university is assigned 1 of the following scores:

(a) A university classified as in the top 20%, a score of 3.

(b) A university classified as above national median, a score of 2.

(c) A university classified as improving, a score of 2. It is the intent of the legislature that, beginning in the 2020-2021 state fiscal year, a university classified as improving is assigned a score of 1.

(d) A university that is not included in subdivision (a), (b), or (c), a score of 0.

(6) As used in this section, "Carnegie classification" means the basic classification of the university according to the most recent version of the Carnegie classification of institutions of higher education, published by the Carnegie Foundation for the Advancement of Teaching.

(7) It is the intent of the legislature to allocate more funding based on an updated set of performance metrics in future years. Updated metrics will be based on the outcome of joint hearings between the house and senate appropriations subcommittees on higher education and community colleges intended to be held in the fall of 2019.

History: Add. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019.

388.1865b Reduction of operations funding; failure to submit title IX certification for sexual assault training.

Sec. 265b. (1) Appropriations to public universities in section 236 for the fiscal year ending September 30, 2021 for operations funding shall be reduced by 10% pursuant to the procedures described in subdivision (a) for a public university that fails to submit certification to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies by October 1, 2020 that the university complies with sections 274c and 274d and that it complies with all of the requirements described in subdivisions (b) to (i), as follows:

(a) If a university fails to submit certification, the state budget director shall withhold 10% of that university's annual operations funding until the university submits certification. If a university fails to submit certification by the end of the fiscal year, the 10% of its annual operations funding that is withheld shall lapse to the general fund.

(b) For title IX investigations of alleged sexual misconduct, the university prohibits the use of medical experts that have an actual or apparent conflict of interest.

(c) For title IX investigations of alleged sexual misconduct, the university prohibits the issuance of divergent reports to complainants, respondents, and administration and instead requires that identical reports be issued to them.

(d) Consistent with the university's obligations under 20 USC 1092(f), the university notifies each individual who reports having experienced sexual assault by a student, faculty member, or staff member of the university that the individual has the option to report the matter to law enforcement, to the university, to both, or to neither, as the individual may choose.

(e) The university provides both of the following:

(*i*) For all freshmen and incoming transfer students enrolled, an in-person sexual misconduct prevention

© Courtesy of www.legislature.mi.gov

presentation or course, which must include contact information for the title IX office of the university.

(*ii*) For all students not considered freshmen or incoming transfer students, an online or electronic sexual misconduct prevention presentation or course.

(f) The university prohibits seeking compensation from the recipient of any medical procedure, treatment, or care provided by a medical professional who has been convicted of a felony arising out of the medical procedure, treatment, or care.

(g) The university had a third party review its title IX compliance office and related policies and procedures by the end of the 2018-2019 academic year. A copy of the third-party review shall be transmitted to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies. After the third-party review has been conducted for the 2018-2019 academic year, the university shall have a third-party review once every three years and a copy of the third-party review shall be transmitted to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies.

(h) The university requires that the governing board and the president or chancellor of the university receive not less than quarterly reports from their title IX coordinator or title IX office. The report shall contain aggregated data of the number of sexual misconduct reports that the office received for the academic year, the types of reports received, including reports received against employees, and a summary of the general outcomes of the reports and investigations. A member of the governing board may request to review a title IX investigation report involving a complaint against an employee, and the university shall provide the report in a manner it considers appropriate. The university shall protect the complainant's anonymity, and the report shall not contain specific identifying information.

(i) If allegations against an employee are made in more than 1 title IX complaint that resulted in the university finding that no misconduct occurred, the university requires that the title IX officer promptly notify the president or chancellor and a member of the university's governing board in writing and take all appropriate steps to ensure that the matter is being investigated thoroughly, including hiring an outside investigator for future cases involving that employee. A third-party title IX investigation under this subdivision does not prohibit the university from simultaneously conducting its own title IX investigation through its own title IX coordinator.

(2) Each public university that receives an appropriation in section 236 shall also certify that its president or chancellor and a member of its governing board has reviewed all title IX reports involving the alleged sexual misconduct of an employee of the university, and shall send the certification to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director by October 1, 2020.

(3) For purposes of this section, "sexual misconduct" includes, but is not limited to, any of the following:

(a) Intimate partner violence.

(b) Nonconsensual sexual conduct.

(c) Sexual assault.

(d) Sexual exploitation.

(e) Sexual harassment.

(f) Stalking.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1865c Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed section pertained to academic program partnerships report.

388.1865d Memorandum of understanding; incidents of sexual assault.

Sec. 265d. Each public university that receives an appropriation in section 236 is encouraged to enter into a memorandum of understanding with at least 1 local law enforcement agency with jurisdiction on or around campus for the communication and coordination of responses to incidents of sexual assault.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019.

388.1865e Legislative intent.

Sec. 265e. It is the intent of the legislature that public universities use a portion of funds received in section 236 for campus safety programs, sexual assault prevention programs, and student mental health programs.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018..

388.1866 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to public university operations funding.

© Courtesy of www.legislature.mi.gov

388.1867 Amount of annual tuition and fees; submission as part of HEIDI data.

Sec. 267. All public universities shall submit the amount of tuition and fees actually charged to a full-time resident undergraduate student for academic year 2020-2021 as part of their higher education institutional data inventory (HEIDI) data by October 1, 2020, and by the last business day of August each year thereafter. A public university shall report any revisions for any semester of the reported academic year 2020-2021 tuition and fee charges to HEIDI within 15 days of being adopted.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Imd. Eff. June 26, 2012;—Am. 2013, Act 60, Imd. Eff. June 13, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1868 North American Indian tuition waiver costs; report; information to be provided by public university; consolidated report.

Sec. 268. (1) For the fiscal year ending September 30, 2021, it is the intent of the legislature that funds be allocated for unfunded North American Indian tuition waiver costs incurred by public universities under 1976 PA 174, MCL 390.1251 to 390.1253, from the general fund.

(2) By January 15 of each year, the department of civil rights shall annually submit to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies a report on North American Indian tuition waivers for the preceding academic year that includes, but is not limited to, all of the following information:

(a) The number of waiver applications received and the number of waiver applications approved.

(b) For each university submitting information under subsection (3), all of the following:

(*i*) The number of graduate and undergraduate North American Indian students enrolled each term for the previous academic year.

(*ii*) The number of North American Indian waivers granted each term, including to continuing education students, and the monetary value of the waivers for the previous academic year.

(*iii*) The number of graduate and undergraduate students attending under a North American Indian tuition waiver who withdrew from the university each term during the previous academic year. For purposes of this subparagraph, a withdrawal occurs when a student who has been awarded the waiver withdraws from the institution at any point during the term, regardless of enrollment in subsequent terms.

(*iv*) The number of graduate and undergraduate students attending under a North American Indian tuition waiver who successfully complete a degree or certificate program, separated by degree or certificate level, and the graduation rate for graduate and undergraduate students attending under a North American Indian tuition waiver who complete a degree or certificate within 150% of the normal time to complete, separated by the level of the degree or certificate.

(3) A public university that receives funds under section 236, or a tribal college receiving pass-through funds under section 269, 270, or 270c, shall provide to the department of civil rights any information necessary for preparing the report detailed in subsection (2), using guidelines and procedures developed by the department of civil rights.

(4) The department of civil rights may consolidate the report required under this section with the report required under section 223, but a consolidated report must separately identify data for universities and data for community colleges.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1869 Payment to Saginaw Chippewa Tribal College; costs of waiving tuition for North American Indians.

Sec. 269. For fiscal year 2020-2021, from the amount appropriated in section 236 to Central Michigan University for costs incurred under the North American Indian tuition waiver, $79,700.00 shall be paid to Saginaw Chippewa Tribal College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253. It is the intent of the legislature that Saginaw Chippewa Tribal College provide the department of civil rights the necessary information for the college to be included in the report required under section 268.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

© Courtesy of www.legislature.mi.gov

388.1870 Payment to Bay Mills Community College; costs of waiving tuition for North American Indians.

Sec. 270. For fiscal year 2020-2021, from the amount appropriated in section 236 to Lake Superior State University for costs incurred under the North American Indian tuition waiver, $0.00 shall be paid to Bay Mills Community College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253. It is the intent of the legislature that Bay Mills Community College provide the department of civil rights the necessary information for the college to be included in the report required under section 268.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1870a Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to coordination of goods and services.

388.1870b One-time pass through payment to Bay Mills Community College for education of non-Native American students.

Sec. 270b. (1) For fiscal year 2020-2021, from the amount appropriated in section 236 to Lake Superior State University for 1-time pass-through payment for Bay Mills Community College, $1,000,000.00 is to be paid to Bay Mills Community College for the costs of educating non-Native American students.

(2) The state treasurer shall direct Lake Superior State University to provide the payment described in subsection (1) after the state budget director determines that Bay Mills Community College submitted all of the information described in subdivisions (a) to (f), as follows, in the form and manner specified by the center. If the state budget director determines that Bay Mills Community College failed to submit any of the following information in the form and manner specified by the center, the state treasurer shall, subject to subsection (3), direct Lake Superior State University to withhold the payment from the community college until that information is submitted:

(a) The Michigan community colleges verified data inventory data for the preceding academic year to the center by the first business day of December of each year as specified in section 217.

(b) The college credit opportunity data set as specified in section 209.

(c) The longitudinal data set for the preceding academic year to the center as specified in section 219.

(d) The annual independent audit as specified in section 222.

(e) Tuition and mandatory fees information for the current academic year as specified in section 225.

(f) The number and type of associate degrees and other certificates awarded during the previous academic year as specified in section 226.

(3) The state budget director shall notify the chairs of the house and senate appropriations subcommittees on community colleges at least 10 days before directing funds to be withheld from Bay Mills Community College under this section.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1870c Payment to Keweenaw Bay Ojibwa Community College; costs of waiving tuition for North American Indians.

Sec. 270c. For fiscal year 2020-2021, from the amount appropriated in section 236 to Northern Michigan University for costs incurred under the North American Indian tuition waiver, $50,000.00 is to be paid to Keweenaw Bay Ojibwa Community College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253. It is the intent of the legislature that Keweenaw Bay Ojibwa Community College provide the department of civil rights the necessary information for the community college to be included in the report required under section 268.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1871 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to academic program accreditation.

388.1871a Unionization or decertification of union; use of funds for instructional activity prohibited.

Sec. 271a. It is the intent of the legislature that a public university that receives funds under section 236 shall not knowingly and directly use any portion of those funds to offer any instructional activity that targets specific companies or specific groups of companies for unionization or decertification of a union.

© Courtesy of www.legislature.mi.gov

History: Add. 2014. Act 196, Eff. Oct. 1, 2014.

388.1872 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to rejection of transfer credits by university.

388.1872a Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to report regarding rejection of transfer credits.

388.1873 Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to report on efforts to accommodate sincerely held beliefs of students.

388.1873a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to use of funds to benefit nonprofit workers training center.

388.1874 Organizations conducting human embryonic stem cell derivation; information to be provided to director of department of health and human services.

Sec. 274. It is the intent of the legislature that public and private organizations that conduct human embryonic stem cell derivation subject to section 27 of article I of the state constitution of 1963 will provide information to the director of the department of health and human services by December 1, 2019 that includes all of the following:

(a) Documentation that the organization conducting human embryonic stem cell derivation is conducting its activities in compliance with the requirements of section 27 of article I of the state constitution of 1963 and all relevant National Institutes of Health guidelines pertaining to embryonic stem cell derivation.

(b) A list of all human embryonic stem cell lines submitted by the organization to the National Institutes of Health for inclusion in the Human Embryonic Stem Cell Registry before and during fiscal year 2018-2019, and the status of each submission as approved, pending approval, or review completed but not yet accepted.

(c) Number of human embryonic stem cell lines derived and not submitted for inclusion in the Human Embryonic Stem Cell Registry, before and during fiscal year 2018-2019.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019.

388.1874a Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's note: The repealed section pertained to prohibition against health insurance or fringe benefits for unmarried adult coresident or dependent.

388.1874c Sexual assault response training; report.

Sec. 274c. By February 1 of each year, each university receiving funds under section 236 shall report to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, and the state budget director on its efforts to develop and implement sexual assault response training for the university's title IX coordinator, campus law enforcement personnel, campus public safety personnel, and any other campus personnel charged with responding to on-campus incidents, including information on sexual assault response training materials and the status of implementing sexual assault response training for campus personnel.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019.

388.1874d Student sexual misconduct report; requirements.

Sec. 274d. (1) By October 31, each university receiving funds under section 236 shall report to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, the state budget director, and the attorney general its annual title IX report, also known as the student sexual misconduct report, issued by the title IX coordinator, as required under the federal campus save act of 2013, Public Law 113-4, section 304, 127 Stat 54, 89-92 (2013).

(2) For purposes of the report required under subsection (1), each university shall include a title IX summary report that includes all of the following information:

(a) The amounts and descriptions of all fees incurred in title IX-related civil and criminal litigation.

(b) The number of title IX complaints.

(c) The average length of time for investigation and resolution of title IX complaints.

(d) The aggregate number of title IX cases, investigations, and complaints for each of the categories described in subparagraphs (*i*) to (*iii*), subject to subparagraph (*iv*), as follows:

© Courtesy of www.legislature.mi.gov

(*i*) Cases investigated for less than 15 days.

(*ii*) Cases investigated for at least 30 days and less than 60 days.

(*iii*) Cases investigated for 90 days or more.

(*iv*) If, for any category of cases under subparagraphs (*i*) to (*iii*), there is an aggregate of fewer than 5 cases investigated, the university shall not report the aggregate number of cases and instead shall report that fewer than 5 cases were investigated.

(e) The number of title IX appeals and the resolutions of those appeals.

(f) The number of title IX-related complaints filed by the university with law enforcement agencies.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

388.1875 Veterans and active military duty personnel; educational assistance; report; definition.

Sec. 275. (1) Each public university that receives an appropriation in section 236 shall do all of the following:

(a) Meet the provisions of section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327, including voluntary participation in the Yellow Ribbon GI Education Enhancement Program established in that act in 38 USC 3317. By October 1 of each year, each public university shall report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the Michigan Association of State Universities on whether or not it has chosen to participate in the Yellow Ribbon GI Education Enhancement Program. If at any time during the fiscal year a university participating in the Yellow Ribbon Program chooses to leave the Yellow Ribbon Program, it shall notify the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the Michigan Association of State Universities.

(b) Establish an on-campus veterans' liaison to provide information and assistance to all student veterans.

(c) Provide flexible enrollment application deadlines for all veterans.

(d) Include in its admission application process a specific question as to whether an applicant for admission is a veteran, an active member of the military, a member of the National Guard or military reserves, or the spouse or dependent of a veteran, active member of the military, or member of the National Guard or military reserves, in order to more quickly identify potential educational assistance available to that applicant.

(e) Consider all veterans residents of this state for determining their tuition rates and fees.

(f) Waive enrollment fees for all veterans.

(g) Provide reasonable programming and scheduling accommodations necessary to facilitate a student's military, national guard, or military reserves duties and training obligations.

(2) By October 1 of each year, each public university shall report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the department of military and veterans affairs regarding services provided specifically to veterans and active military duty personnel, including, but not limited to, the services described in subsection (1).

(3) As used in this section, "veteran" means an honorably discharged veteran entitled to educational assistance under the provisions of section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1875a Construction or maintenance of self-liquidating project; finance requirements.

Sec. 275a. Funds appropriated in section 236 shall not be used by a public university to pay for the construction or maintenance of a self-liquidating project. A public university shall comply with section 238 of the management and budget act, 1984 PA 431, MCL 18.1238, and with the current use and finance requirements of the joint capital outlay subcommittee (JCOS) for any construction, renovation, or other capital outlay projects pursuant to JCOS policy. The appropriation in section 236 for a public university that fails to comply with JCOS reporting requirements shall be reduced by 1% for each violation.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013.

388.1875b Knowledge that applicant for admission is serving, or has served, as member of military, National Guard, or military reserves; duties of public university during application process; "transcript" defined.

Sec. 275b. (1) Each public university receiving funds under section 236 shall ensure that the public university does all of the following in its admission application process if it knows that an applicant for

© Courtesy of www.legislature.mi.gov

admission is currently serving, or has ever served, as a member of the military, the National Guard, or the military reserves:

(a) Inform the applicant that he or she may receive academic credit for college-level training and education he or she received while serving in the military.

(b) Inform the applicant that he or she may submit a transcript of his or her college-level military training and education to the public university.

(c) If the applicant submits a transcript described in subdivision (b), evaluate that transcript and notify the applicant of what transfer credits are available to the applicant from the public university for his or her college-level military training and education.

(2) As used in this section, "transcript" includes a joint services transcript prepared for the applicant under the American council on education registry of credit recommendations.

History: Add. 2015, Act 44, Eff. Sept. 7, 2015;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

388.1875c Meningococcal meningitis and vaccine for meningococcal meningitis; materials to be provided to students.

Sec. 275c. Each university receiving funds under section 236 shall provide students with materials containing information about meningococcal meningitis and the vaccine for meningococcal meningitis, as provided by the department of health and human services pursuant to section 9205a of the public health code, 1978 PA 368, MCL 333.9205a. The materials shall contain information about, at a minimum, the causes and symptoms of meningococcal meningitis, how it is spread, and sources where students may obtain additional information about meningococcal meningitis and where they may obtain vaccination against meningococcal meningitis.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017.

388.1875d Employee communications with legislature; disciplinary action discouraged.

Sec. 275d. The legislature urges each university that receives an appropriation in section 236 to not take disciplinary action against an employee for communicating with a member of the legislature or a legislator's staff.

History: Add. 2019, Act 62, Eff. Oct. 1, 2019.

388.1875f Report on activities related to providing open and free expression and speech.

Sec. 275f. By February 1, 2021, each public university receiving an appropriation in section 236 shall submit to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, and the state budget director a report on activities related to strategic planning and internal assessment or reassessment to best provide for open and free expression and speech, while protecting students from hate-speech, violence, and discrimination.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1875g Report to legislature regarding students and course types offered for 2020-2021.

Sec. 275g. (1) By September 30, 2021, each public university receiving an appropriation in section 236 shall submit a report to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, and the state budget director containing the following information:

(a) The number of students enrolled during the 2020-2021 academic year.

(b) The number of courses offered by course type.

(c) The number of students enrolled by course type.

(d) The drop rate and pass/fail rate by course type.

(e) The average number of credit hours for which each student was enrolled at the start and end of each semester.

(f) The number of students residing on campus each semester.

(g) The number of students residing on campus between semesters.

(2) By November 1, 2020, each public university receiving an appropriation in section 236 shall submit a report to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, and the state budget director containing the following information:

(a) A list of any student fees assessed related to online learning, and the amount of those fees.

(b) A list of any student fees assessed related to COVID-19, and the amount of those fees.

(c) A timeline of when decisions regarding the course types offered during the 2020-2021 academic year were made, and whether there were changes to those decisions before the academic year began.

(d) An overview of COVID-19 mitigation strategies employed or that may be employed, if necessary.

© Courtesy of www.legislature.mi.gov

(e) An overview of COVID-19 testing criteria and mitigation strategies employed for controlling an outbreak on campus.

(3) As used in this section, "course type" means the style of course delivery as being in-person, online, or as a hybrid of in-person and online learning.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1875h Intent to provide certifications or degrees to 60% of the state's residents.

Sec. 275h. It is the intent of the legislature to ensure that 60% of Michigan's residents achieve a postsecondary credential, high-quality industry certification, associate degree, or bachelor's degree by 2030.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1875i Collection of demographic information on students with dependent children; methodology; privacy rights; report.

Sec. 275i. (1) Each public university receiving an appropriation in section 236 shall use a portion of those funds to collect demographic information about students with dependent children to better identify the needs of those students, barriers to degree and certification completion for them, and campus support structures and resources available to them. This demographic information must include at least all of the following:

(a) The number of students with dependent children enrolled per semester.

(b) The number of students with dependent children enrolled living in university residence halls, in dormitories, and in apartments.

(c) The names of programs and resources available to students with dependent children, as well as offices that support those students.

(d) Identified barriers to certificate or degree completion for students with dependent children.

(2) A public university shall collect demographic information from students with dependent children through a method best determined by the institution using best practice research methodology. This may include admission application questions, incoming-student orientation surveys, campus-wide climate surveys, financial aid surveys, housing surveys, or partnerships with government and nonprofit agencies that can provide general data that protects the individual privacy rights of students with dependent children.

(3) Student privacy rights must be protected during the collection process. Reporting must be voluntary on the part of students with dependent children. The public university shall include privacy protections for students and a description of the rationale for collecting the data.

(4) Each public university shall report to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, and the state budget director its collected data and survey results by the first business day of February.

(5) The collected data on students with dependent children will be used by the legislature to inform future appropriation decisions.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1876 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks future faculty program.

Sec. 276. (1) Included in the appropriation for fiscal year 2020-2021 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks future faculty program that is intended to increase the pool of academically or economically disadvantaged candidates pursuing faculty teaching careers in postsecondary education. Preference may not be given to applicants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage applications from applicants who would otherwise not adequately be represented in the graduate student and faculty populations. Each public university shall apply the percentage change applicable to every public university in the calculation of appropriations in section 236 to the amount of funds allocated to the future faculty program.

(2) The program shall be administered by each public university in a manner prescribed by the department of labor and economic opportunity. The department of labor and economic opportunity shall use a good faith effort standard to evaluate whether a fellowship is in default.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1877 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks college day program.

Sec. 277. (1) Included in the appropriation for fiscal year 2020-2021 for each public university in section

© Courtesy of www.legislature.mi.gov

236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college day program that is intended to introduce academically or economically disadvantaged schoolchildren to the potential of a college education. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Public universities should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) Individual program plans of each public university shall include a budget of equal contributions from this program, the participating public university, the participating school district, and the participating independent degree-granting college. College day funds shall not be expended to cover indirect costs. Not more than 20% of the university match shall be attributable to indirect costs. Each public university shall apply the percentage change applicable to every public university in the calculation of appropriations in section 236 to the amount of funds allocated to the college day program.

(3) The program described in this section shall be administered by each public university in a manner prescribed by the department of labor and economic opportunity.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1878 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks select student support services program.

Sec. 278. (1) Included in section 236 for fiscal year 2020-2021 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks select student support services program for developing academically or economically disadvantaged student retention programs for 4-year public and independent educational institutions in this state. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) An award made under this program to any 1 institution shall not be greater than $150,000.00, and the amount awarded shall be matched on a 70% state, 30% college or university basis.

(3) The program described in this section shall be administered by the department of labor and economic opportunity.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1879 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks college/university partnership program.

Sec. 279. (1) Included in section 236 for fiscal year 2020-2021 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college/university partnership program between 4-year public and independent colleges and universities and public community colleges, which is intended to increase the number of academically or economically disadvantaged students who transfer from community colleges into baccalaureate programs. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the transfer student population.

(2) The grants shall be made under the program described in this section to Michigan public and independent colleges and universities. An award to any 1 institution shall not be greater than $150,000.00, and the amount awarded shall be matched on a 70% state, 30% college or university basis.

(3) The program described in this section shall be administered by the department of labor and economic opportunity.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

© Courtesy of www.legislature.mi.gov

388.1880 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks visiting professors program.

Sec. 280. (1) Included in the appropriation for fiscal year 2020-2021 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks visiting professors program which is intended to increase the number of instructors in the classroom to provide role models for academically or economically disadvantaged students. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Public universities should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) The program described in this section shall be administered by the department of labor and economic opportunity.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1881 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks initiative for Morris Hood, Jr. educator development program.

Sec. 281. (1) Included in the appropriation for fiscal year 2020-2021 in section 236 is funding under the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks initiative for the Morris Hood, Jr. educator development program which is intended to increase the number of academically or economically disadvantaged students who enroll in and complete K-12 teacher education programs at the baccalaureate level. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the teacher education student population.

(2) The program described in this section shall be administered by each state-approved teacher education institution in a manner prescribed by the department of labor and economic opportunity.

(3) Approved teacher education institutions may and are encouraged to use student support services funding in coordination with the Morris Hood, Jr. funding to achieve the goals of the program described in this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1881a Martin Luther King, Jr. – Cesar Chavez – Rosa Parks initiative reporting requirements.

Sec. 281a. (1) Each public university that receives an amount of the appropriations in section 236 for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks initiatives shall submit a report to the department of labor and economic opportunity by December 15 of each year containing, at a minimum, all of the following information from the immediately preceding academic year:

(a) For the future faculty program detailed in section 276, the number of completions by degree type, and the fellowship default rate.

(b) For the college day program detailed in section 277, the number of students served and the amount of matching funds from each college and participating school district.

(c) For the select student support services program detailed in section 278, the number of students served, the amount of any university matching funds for the program, and the number and percentage of program participants who graduate.

(d) For the college/university partnership program detailed in section 279, the number of students served, the number of bachelor's degrees conferred to program participants, the 6-year graduation rate of program participants, and the amount of any university matching funds for the program.

(e) For the visiting professors program detailed in section 280, the number of students who took a class taught by an instructor hired using program funds, the number of instructors hired using program funds, the number of class sections taught by instructors hired using program funds, and the amount of any university matching funds for the program.

(f) For the educator development program detailed in section 281, the number of students participating in

© Courtesy of www.legislature.mi.gov

the program and the number of education-related bachelor's degrees conferred to participants in the program.

(2) By February 15 of each year, the department of labor and economic opportunity shall compile the reports submitted under subsection (1) and submit them to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020.

388.1882 Institutions receiving funds under MCL 388.1878, 388.1879, or 388.1881; providing unobligated and unexpended funds; plan to expend remaining funds.

Sec. 282. Each institution receiving funds for fiscal year 2020-2021 under section 278, 279, or 281 shall provide to the department of labor and economic opportunity by April 15, 2021 the unobligated and unexpended funds as of March 31, 2021 and a plan to expend the remaining funds by the end of the fiscal year. Notwithstanding the award limitations in sections 278 and 279, the amount of funding reported as not being expended will be reallocated to the institutions that intend to expend all funding received under section 278, 279, or 281.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1883 Aggregate academic status of students.

Sec. 283. (1) Using the data provided to the center as required by section 244 of this act, the center shall use the P-20 longitudinal data system to inform interested Michigan high schools and the public regarding the aggregate academic status of its students. The center shall work with the universities and the Michigan Association of State Universities and in cooperation with the Michigan Association of Secondary School Principals.

(2) Michigan high schools shall systematically inform the public universities about the use of information received under this section in a manner prescribed by the Michigan Association of Secondary School Principals in cooperation with the Michigan Association of State Universities.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2019, Act 62, Eff. Oct. 1, 2019.

388.1884 Academic status of community college transfer students.

Sec. 284. Using data provided to the center as required by section 244 of this act, the center shall use the P-20 longitudinal data system to inform Michigan community colleges regarding the academic status of community college transfer students. The center shall work with the universities and the Michigan Association of State Universities in cooperation with the Michigan Community College Association.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2014, Act 196, Eff. Oct. 1, 2014;—Am. 2015, Act 85, Eff. Oct. 1, 2015;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017.

388.1885 Transfer of students from community colleges to public universities; encouragement; facilitation.

Sec. 285. Public universities shall work with the state community colleges to encourage the transfer of students from the community colleges to the public universities and to facilitate the transfer of credits from the community colleges to those public universities.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1886 Statewide reverse transfer agreements.

Sec. 286. Public universities shall work with community colleges in the state to implement statewide reverse transfer agreements to increase the number of students that are awarded credentials of value upon completion of the necessary credits. These statewide agreements shall enable students who have earned a significant number of credits at a community college and transfer to a baccalaureate granting institution before completing a degree to transfer the credits earned at the baccalaureate institution back to the community college in order to be awarded a credential of value.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2015, Act 85, Eff. Oct. 1, 2015.

388.1886a Repealed. 2017, Act 108, Eff. October 1, 2017.

© Courtesy of www.legislature.mi.gov

Compiler's note: The repealed section pertained to report detailing number of academic program partnerships between public community colleges, public universities, and private colleges and universities.

388.1889 Auditor general audit; duties; report.

Sec. 289. (1) In accordance with section 299(4) of the management and budget act, 1984 PA 431, MCL 18.1299, at least once every 4 years, the auditor general shall audit higher education institutional data inventory (HEIDI) data submitted by all public universities under section 241 and may perform audits of selected public universities if determined necessary. The audits shall be based upon the definitions, requirements, and uniform reporting categories established by the state budget director in consultation with the HEIDI advisory committee. The auditor general shall submit a report of findings to the house and senate appropriations committees and the state budget director no later than July 1 of each year an audit takes place.

(2) Student credit hours reports shall not include the following:

(a) Student credit hours generated through instructional activity by faculty or staff in classrooms located outside Michigan, with the exception of instructional activity related to study-abroad programs or field programs.

(b) Student credit hours generated through credit by examination.

(c) Student credit hours generated in new degree programs created on or after January 1, 1975 and before January 1, 2013, that were not specifically authorized for funding by the legislature, except spin-off programs converted from existing core programs, and student credit hours generated in any new degree programs created after January 1, 2013, that are specifically excluded from reporting by the legislature under this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2018, Act 265, Eff. Oct. 1, 2018;—Am. 2019, Act 62, Eff. Oct. 1, 2019;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

388.1890 New degree programs.

Sec. 290. By March 1 of each year, the Michigan Association of State Universities shall provide a listing of new degree programs for which enrollment information will be reported to HEIDI under sections 241 and 289, as well as a listing of degree programs that institutions of higher education will no longer offer in subsequent academic years, to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012;—Am. 2013, Act 60, Eff. Oct. 1, 2013;—Am. 2016, Act 249, Eff. Oct. 1, 2016.

388.1891 Performance audits.

Sec. 291. The auditor general may conduct performance audits of public universities receiving funds in section 236 as the auditor general considers necessary.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2012, Act 201, Eff. Oct. 1, 2012.

388.1892 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to student right-to-know and crime awareness.

388.1893 Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's note: The repealed section pertained to authorized disclosure of student records.

388.1893a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's note: The repealed section pertained to state building authority rent.

388.1894 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's note: The repealed section pertained to one-time basis appropriation.

ARTICLE IV
GENERAL PROVISIONS

388.1896 Excess funds; proration.

Sec. 296. (1) If the maximum amount appropriated under this act from the state school aid fund for a fiscal year exceeds the amount necessary to fully fund allocations under this act from the state school aid fund, that excess amount shall not be expended in that state fiscal year and shall not lapse to the general fund, but instead shall be deposited into the school aid stabilization fund created in section 11a.

(2) If the total maximum amount appropriated under all articles of this act from the state school aid fund and the school aid stabilization fund exceeds the amount available for expenditure from the state school aid

© Courtesy of www.legislature.mi.gov

fund for that fiscal year, payments under sections 11j, 11m, 22a, 26a, 26b, 26c, 31d, 31f, 51a(2), 51a(11), 51c, 53a, 56, 147c, 147e(2)(a), and 152a shall be made in full. In addition, for districts beginning operations after 1994-95 that qualify for payments under section 22b, payments under section 22b shall be made so that the qualifying districts receive the lesser of an amount equal to the 1994-95 foundation allowance of the district in which the district beginning operations after 1994-95 is located or $5,500.00. The amount of the payment to be made under section 22b for these qualifying districts shall be as calculated under section 22a, with the balance of the payment under section 22b being subject to the proration otherwise provided under this subsection and subsection (3). If proration is necessary, state payments under each of the other sections of article I from all state funding sources, and state appropriations to community colleges and public universities under articles II and III from the state school aid fund, shall be prorated in the manner prescribed in subsection (3) as necessary to reflect the amount available for expenditure from the state school aid fund for the affected fiscal year. However, if the department of treasury determines that proration will be required under this subsection, or if the department of treasury determines that further proration is required under this subsection after an initial proration has already been made for a fiscal year, the department of treasury shall notify the state budget director, and the state budget director shall notify the legislature at least 30 calendar days or 6 legislative session days, whichever is more, before the department reduces any payments under this act because of the proration. During the 30-calendar-day or 6-legislative-session-day period after that notification by the state budget director, the department shall not reduce any payments under this act because of proration under this subsection. The legislature may prevent proration from occurring by, within the 30-calendar-day or 6-legislative-session-day period after that notification by the state budget director, enacting legislation appropriating additional funds from the general fund, countercyclical budget and economic stabilization fund, state school aid fund balance, or another source to fund the amount of the projected shortfall.

(3) If proration is necessary under subsection (2), the department shall calculate the proration in district and intermediate district payments under article I that is required under subsection (2), and the department of treasury shall calculate the proration in community college and public university payments under articles II and III that is required under subsection (2), as follows:

(a) The department and the department of treasury shall calculate the percentage of total state school aid fund money that is appropriated and allocated under this act for the affected fiscal year for each of the following:

(*i*) Districts.

(*ii*) Intermediate districts.

(*iii*) Entities receiving funding from the state school aid fund under article I other than districts or intermediate districts.

(*iv*) Community colleges and public universities that receive funding from the state school aid fund.

(b) The department shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(*i*) for districts by reducing payments to districts. This reduction shall be made by calculating an equal dollar amount per pupil as necessary to recover this percentage of the proration amount and reducing each district's total state school aid from state sources, other than payments under sections 11j, 11m, 22a, 26a, 26b, 26c, 31d, 31f, 51a(2), 51a(11), 51c, 53a, 147c, 147e(2)(a), and 152a, by that amount.

(c) The department shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(*ii*) for intermediate districts by reducing payments to intermediate districts. This reduction shall be made by reducing the payments to each intermediate district, other than payments under sections 26a, 26b, 26c, 51a(2), 51a(11), 53a, 56, 147c, 147e(2)(a), and 152a, on an equal percentage basis.

(d) The department shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(*iii*) for entities receiving funding from the state school aid fund under article I other than districts and intermediate districts by reducing payments to these entities. This reduction shall be made by reducing the payments to each of these entities, other than payments under sections 11j, 11m, 26a, 26b, and 26c on an equal percentage basis.

(e) The department of treasury shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(*iv*) for community colleges and public universities that receive funding from the state school aid fund by reducing that portion of the payments under articles II and III to these community colleges and public universities, other than payments under sections 201(5) and 236(4), that is from the state school aid fund on an equal percentage basis.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011;—Am. 2020, Act 165, Eff. Oct. 1, 2020.

© Courtesy of www.legislature.mi.gov

ARTICLE V

388.1897-388.1897l Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's note: The repealed sections in Article V pertained to the Marshall Plan for Talent.

©
Courtesy of www.legislature.mi.gov