



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bills 940 and 941 (as introduced 3-2-22)  
Sponsor: Senator Rosemary Bayer  
Committee: Education and Career Readiness

*(Senate-passed version)*

Date Completed: 3-8-22

## **CONTENT**

**Senate Bill 940** would amend the State School Aid Act to do the following:

- Specify that, for 2021-2022, certain pupil instruction hours requirements would not apply to an eligible district if it met those requirements in 2020-2021.
- Specify that certain attendance percentage requirements would not apply to an eligible district for the 2021-2022 school year.
- Specify that the board of an eligible school district would not have to administer the Michigan Merit Examination (MME) or certain State assessments for the 2021-2022 school year if the Department of Education (MDE) received a waiver from assessment requirements from the United States Department of Education.
- Prescribe the definition of an "eligible district".

**Senate Bill 941** would amend the Revised School Code to do the following:

- Specify that an eligible school district would not have to evaluate the performance for any teacher for the 2021-2022 school year.
- Specify that, for an eligible school district, performance evaluation would not be required for building-level school administrators and of central-office-level school administrators who were regularly involved in instructional matters for the 2021-2022 school year.
- Delete provisions requiring certain training to be paid from the funds available in the Educator Evaluation Reserve Fund.
- Specify that the board of an eligible school district would not be required to administer the MME for the 2021-2022 school year if the MDE received a waiver from assessment requirements from the US Department of Education.
- Prescribe the definition of an "eligible school district".

The bills are tie-barred.

## **Senate Bill 940**

### Pupil Instruction Hours

Section 101 of the State School Aid Act generally prescribes requirements to be eligible to receive State aid under Article I (State Aid to Public Schools, Early Childhood, and Adult Education) of the Act.

Except as otherwise provided, each district must provide at least 1,098 hours and 180 days of pupil instruction. A district may apply for a waiver from these requirements. Under the bill, for 2021-2022, the pupil instruction hours requirement would not apply to an eligible district if, in 2020-2021, the eligible district met those requirements. "Eligible district" would mean an eligible school district as that term is defined in Section 1249 of the Revised School Code (see Senate Bill 941).

Under Section 101(3)(d), except as otherwise provided, if a district does not have at least 75% of its membership in attendance on any day of pupil instruction, the MDE must pay the district State aid in that proportion of 1/180 that the actual percent of attendance bears to 75%. "Membership", except as otherwise provided, means for a district, a public school academy (PSA), or an intermediate school district (ISD) 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, PSA, or ISD 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, PSA, or ISD for the immediately preceding school year. For 2021-2022 only, membership means for a district, a PSA, or an ISD, 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, PSA, or ISD 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 PSA that operates as a cyber school 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 PSA for the immediately preceding school year. Under the bill, for 2022-2023 only, for an eligible district, as that term is defined in Section 101(3)(h), the eligible district's membership is 1.00 times the final audited count of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the eligible district on only the 2021-2022 pupil membership count day.

Section 101(3)(e) specifies that if a district adds one or more days of pupil instruction to the end of its instructional calendar for a school year to comply with the pupil instruction hours requirement because it otherwise would fail to provide the required minimum number of days of pupil instruction even after the operation of Section 101(3)(d) due to conditions not within the control of school authorities, then Section 101(3)(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 MDE must pay the district State aid in that proportion of 1/180 that the actual percentage of attendance bears to 60%.

Under Section 101(3)(f), at the request of a district that operates an MDE-approved alternative education program and that does not provide instruction for pupils in all of grades K to 12, the superintendent must grant a waiver from the requirements of Section 101(3)(d). the waiver must provide that an eligible district is subject to the proration provisions of Section 101(3)(d) only if the district does not have at least 50% of its membership in attendance on any day of pupil instruction.

Under the bill, Section 101(3)(d), (e), and (f) would be subject to Section 101(3)(h), which the bill would add. Section 101(3)(h) specifies that the attendance percentage requirements under Section 101(3)(d), (e), and (f) would not apply to an eligible district for the 2021-2022 school year. "Eligible district" would mean an eligible school district as that term is defined in Section 1249 of the Revised School Code.

## Michigan Merit Examination

Under the Act, in order to receive State aid under Article I, a district must administer the MME to pupils in grade 11, and to pupils in grade 12 who did not take the complete the MME in grade 11. Under the bill, however, if the MDE received a waiver from assessment requirements under Federal law from the United States Department of Education, an eligible district would not have to administer the MME for the 2021-2022 school year to receive State aid.

The Act allows a child who is a student in a nonpublic school or home school to take the MME. To take the MME, a child who is a student in a home school must contact the school district in which he or she resides, and that school district must administer the MME, or the child may take the MME at a nonpublic school if allowed by the nonpublic school.

Under the bill, if an eligible district were contacted by a child who was a student in a home school as described above, the eligible district would not be required to administer the MME to the child if the district were not administering the MME to pupils enrolled in the eligible school district for the 2021-2022 school year.

"Eligible district" would mean that term as defined in Section 101(3)(h).

## State Assessments

The Act requires a district to administer certain State assessments in order to receive State aid under Article I. Under the bill, however, if the MDE received a waiver from assessment requirements under Federal law from the US Department of Education, an eligible district would not be required to administer the state assessments for the 2021-2022 school year to receive State aid.

## **Senate Bill 941**

### Performance Evaluations for Teachers & School Administrators

Section 1249 of the Revised School Code requires the board of a school district or ISD or board of directors of a PSA, with the involvement of teachers and school administrators, to adopt and implement for all teachers and school administrators a rigorous, transparent, and fair performance evaluation system that includes, among other things, an annual year-end evaluation for all teachers and a midyear progress report for a teacher who is in the first year of a probationary period.

Under the bill, an eligible school district would not have to evaluate the performance of any teacher under Section 1249 for the 2021-2022 school year. "Eligible school district" would mean a school district to which both of the following apply:

- It has at least 7,000 but not greater than 7,100 pupils in membership.
- It is located in an intermediate school district that has at least 170,000 and not greater than 190,000 pupils in membership.

The annual year-end evaluation and the midyear progress report required under Section 1249 must include specific performance goals and any recommended training. The school district, ISD, or PSA must provide training to teachers on the evaluation tool or tools used by the school district, ISD, or PSA in its performance evaluation system and on how each evaluation tool is used.

The required training must be paid for from the funds available in the Education Evaluation Reserve Fund created under Section 95a of the State School Aid Act. The bill would delete this provision.

#### Performance Evaluation for School Administrators

Section 1249b of the Code requires the board of a school district or ISD or board of directors of a PSA to ensure that the performance evaluation system for building-level school administrators and for central-office-level school administrators who are regularly involved in instructional matters be based on, in part, an annual year-end evaluation for all school administrators by the school district or ISD superintendent or his or her designee, or chief administrator of the PSA, as applicable. (A superintendent or chief administrator must be evaluated by the board or board of directors.)

Under the bill, for an eligible school district, performance evaluations of building-level school administrators and of central-office-level school administrators who were regularly involved in instructional matters would not be required for the 2021-2022 school year. "Eligible school district" would mean that term as defined in Section 1249.

Section 1249b also requires a school district, ISD, or PSA to provide certain training to school administrators, evaluators, and observers.

The required training must be paid for from the funds available in the Educator Evaluation Reserve Fund. The bill would delete this provision.

#### Michigan Merit Examination

Section 1279g of the Code requires the board of a school district or board of directors of a PSA to administer the MME to pupils in grade 11, and to pupils in grade 12 who did not take the complete MME in grade 11.

Under the bill, however, if the MDE received a waiver from assessment requirements under Federal law from the US Department of Education, the board of an eligible school district would not be required to administer the MME for the 2021-2022 school year.

Section 1279g allows a child who is a student in a nonpublic school or home school to take the MDE. To take the MDE, a child who is a student in a home school must contact the school district in which his or she resides, and that school district must administer the MME, or the child may take the MME at a nonpublic school if allowed by the nonpublic school.

Under the bill, if an eligible school district were contacted by a child who was a student in a home school as described above, the eligible school district would not be required to administer the MME to the child if the district were not administering the MME to pupils enrolled in the eligible school district for the 2021-2022 school year.

"Eligible school district" would mean that term as defined in Section 1249.

#### Accountability Measures

Under Section 1280g, by August 1, 2019, the MDE must develop a statewide system of accountability measure to improve the national educational ranking of Michigan. By September 1, 2019, and not later than September 1 of each subsequent year, the MDE must assign a letter grade of A, B, C, D, or F to certain indicators prescribed in Section 1280g for each public year. By September 1, 2019, and not later than September 1 of each subsequent

year, the Department must assign a ranking of significantly above average, above average, average, below average, or significantly below average for each public school for certain indicators.

Under the bill, the MDE could not assign a letter grade for the indicators for the 2021-2022 school year and the Department could not assign a ranking for each of the indicators for the 2021-2022 school year for an eligible school district. "Eligible school district" would mean that term as defined in the Section 1249.

MCL 388.1606 et al. (S.B. 940)  
380.1249 et al. (S.B. 941)

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

Senate Bill 940 could increase costs to the School Aid Fund by an unknown amount and would increase foundation allowance payments to the eligible district by the same amount. If the pupil membership blend remains the same for fiscal year (FY) 2022-23 as it is for FY 2021-22, then the membership blend for FY 2022-23 would be 90% of the Fall 2022 count plus 10% of the Spring 2022 count. If that blended count is lower than the Fall 2021 count for the eligible district, the change in the bill would result in a larger foundation allowance payment to the eligible district in FY 2022-23. The target foundation allowance for FY 2021-22 is \$8,700 per pupil, and the School Aid Fund pays school districts that amount per pupil, minus the revenue generated from applicable local property taxes. An increase in funding for the eligible district would not affect the foundation allowance payments for other districts, but it would leave less available in the School Aid Fund for other priorities. The actual impact would depend on appropriations decisions made for FY 2022-23.

Senate Bills 940 and 941 would eliminate certain requirements for an eligible district for the 2021-22 school year, which would lead to some cost savings for the eligible district and would not increase costs for the State.

Fiscal Analyst: Ryan Bergan  
Cory Savino

SAS\S2122\s940sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.