

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4421**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 11, 11n, 11r, and 23b (MCL 388.1611,
388.1611n, 388.1611r, and 388.1623b), section 11 as amended and
sections 11n, 11r, and 23b as added by 2021 PA 3, and by adding
section 11o.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) For the fiscal year ending September 30, 2021,
2 there is appropriated for the public schools of this state and
3 certain other state purposes relating to education the sum of
4 \$13,759,819,500.00 from the state school aid fund, the sum of
5 \$50,964,600.00 from the general fund, an amount not to exceed
6 \$77,700,000.00 from the community district education trust fund

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

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

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

14 Sec. 11n. **(1)** From the federal ~~fund money~~ **funds** appropriated
 15 under section 11, there is allocated for 2020-2021 an amount not to
 16 exceed ~~\$125,658,900.00~~ **\$115,658,900.00** from the federal funding
 17 awarded to this state from the governor's emergency education
 18 relief (GEER) fund under the coronavirus response and relief
 19 supplemental appropriations act, 2021, division M of Public Law
 20 116-260, and there is allocated for 2020-2021 an amount not to
 21 exceed ~~\$1,650,759,800.00~~ **\$1,656,308,300.00** from the federal funding
 22 awarded to this state from the elementary and secondary school
 23 emergency relief (ESSER) fund under the coronavirus response and
 24 relief supplemental appropriations act, 2021, division M of Public
 25 Law 116-260.

26 **(2) From the federal funds appropriated under section 11,**
 27 **there is allocated for 2020-2021 an amount not to exceed**
 28 **\$3,347,849,700.00 from the federal funding awarded to this state**
 29 **from the elementary and secondary school emergency relief (ESSER)**

1 fund under the American rescue plan act of 2021, title II, subtitle
 2 A, part 1 of Public Law 117-2, and there is allocated for 2020-2021
 3 an amount not to exceed \$93,023,000.00 from the federal funding
 4 awarded to this state under section 2002 of the American rescue
 5 plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2,
 6 for emergency assistance to nonpublic schools.

7 Sec. 11o. (1) From the federal funds allocated under section
 8 11n, there is allocated for 2020-2021 an amount not to exceed
 9 \$86,777,000.00 from the federal funding awarded to this state from
 10 the governor's emergency education relief (GEER) fund under the
 11 coronavirus response and relief supplemental appropriations act,
 12 2021, division M of Public Law 116-260, for emergency assistance to
 13 nonpublic schools as provided under section 312(d) of the
 14 coronavirus response and relief supplemental appropriations act,
 15 2021, division M of Public Law 116-260.

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

24 Sec. 11r. (1) From the federal ~~fund money~~ **funds** allocated
 25 under section 11n, there is allocated for 2020-2021 an amount not
 26 to exceed ~~\$1,493,410,500.00~~ **\$1,498,959,000.00** from the federal
 27 funding awarded to this state from the elementary and secondary
 28 school emergency relief (ESSER) fund under the coronavirus response
 29 and relief supplemental appropriations act, 2021, division M of

1 Public Law 116-260, and an amount not to exceed \$3,347,849,700.00
2 from the federal funding awarded to this state from the elementary
3 and secondary school emergency relief (ESSER) fund under the
4 American rescue plan act of 2021, title II, subtitle A, part 1 of
5 Public Law 117-2; and, from the state school aid fund money
6 appropriated under section 11, there is allocated \$136,000,000.00,
7 for the purposes of this section.

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

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

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

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

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

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

11 (b) ~~By~~ **Except as otherwise provided in this subdivision, by**
12 not later than March 22, 2021, excluding days that are part of a
13 previously scheduled period of time for which the district is not
14 in session, the district offers in-person instruction at least 20
15 hours each school week if the district's school week includes 5
16 school days or, if the district's school week does not include 5
17 school days, offers in-person instruction in an amount of hours
18 necessary each school week to provide the instruction it would have
19 provided in 20 hours for a 5-school-day school week to all pupils
20 enrolled in the district, regardless of whether or not all pupils
21 enrolled in the district participate in the in-person instruction
22 offered. **The previous sentence does not apply to any district whose**
23 **board of education adopted or adopts a public health order closing**
24 **schools for public health reasons to protect public health or to**
25 **any district that closed or closes schools due to a local public**
26 **health order.** This subdivision does not apply to a district that
27 operates as a cyber school as that term is defined in section 551
28 of the revised school code, MCL 380.551. As used in this
29 subdivision, "in-person instruction" means instruction that a pupil

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

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

7 (d) The district pledges that it will, beginning with the
8 first meeting after ~~the effective date of the amendatory act that~~
9 ~~added this subdivision,~~ **March 9, 2021**, at each meeting of the board
10 ~~or board of directors, as applicable,~~ of the district during which
11 the district reconfirms how instruction is going to be delivered
12 under section 98a, confirm that it is offering instruction to
13 pupils as described in subdivision (b). This subdivision does not
14 apply to a district that operates as a cyber school as that term is
15 defined in section 551 of the revised school code, MCL 380.551.

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

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

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

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

26 (10) ~~(7)~~ From the federal funds allocated under subsection
27 (1), there is allocated ~~\$2,733,000.00~~ \$8,281,500.00 from the
28 federal funding awarded to this state from the elementary and
29 secondary school emergency relief (ESSER) fund under the

1 **coronavirus response and relief supplemental appropriations act,**
2 **2021, division M of Public Law 116-260,** to the department for
3 administrative costs in implementing this section.

4 (11) ~~(8)~~—As used in this section, "ESSER II formula payment
5 per pupil" means an amount equal to the sum of the amount of funds
6 the district receives under subsection (2) and ~~, if House Bill No.~~
7 ~~4049 is enacted into law and effective within 14 days after House~~
8 ~~Bill No. 4049 is presented to the governor, the amount of funds the~~
9 ~~district receives under subsection (3) or, if House Bill No. 4049~~
10 ~~is not enacted into law and effective within 14 days after House~~
11 ~~Bill No. 4049 is presented to the governor, the amount of funds the~~
12 district would have received under subsection (3) if House Bill No.
13 4049 **of the 101st Legislature** was enacted into law and effective
14 within 14 days after House Bill No. 4049 **of the 101st Legislature**
15 was presented to the governor ~~, as applicable,~~ divided by the
16 district's pupils in membership for the 2020-2021 school year as
17 calculated under section 6.

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

29 (2) The funds allocated under subsection (1) must be

1 distributed by the department as follows:

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

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

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

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

20 (3) Except as otherwise provided in this subsection, to
21 receive funding under this section, a district or intermediate
22 district must apply for the funding in a form and manner prescribed
23 by the department. An application for funding under this section
24 must be submitted to the department by not later than April 15,
25 2021.

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

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

1 district or intermediate district pledges to provide COVID-19
2 remediation services to eligible ~~pupils~~**children**.

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

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

9 (A) A description of the summer program.

10 (B) The number of potential eligible ~~pupils~~**children** that will
11 enroll or the number of eligible ~~pupils~~**children** enrolled in the
12 summer program.

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

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

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

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

23 (B) The number of potential eligible ~~pupils~~**children** that will
24 enroll or the number of eligible ~~pupils~~**children** enrolled in the
25 credit recovery program.

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

28 (D) A statement indicating whether or not the district or
29 intermediate district is requesting that the credit recovery

1 program be designated as innovative under subsection (11) and the
 2 reasons the district or intermediate district believes its program
 3 is innovative.

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

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

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

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

15 (D) Assurance that the before-school, after-school, or before-
 16 and-after school program is designed to emphasize remediation for
 17 eligible ~~pupils~~ **children**.

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

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

29 (a) An amount equal to \$550.00 for each eligible ~~pupil~~ **child**

1 that, based on the application for funding under this section, will
 2 be enrolled or is enrolled in the eligible district's or eligible
 3 intermediate district's summer program, as applicable, offered as
 4 part of the eligible district's or eligible intermediate district's
 5 COVID-19 remediation services under this section.

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

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

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

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

28 (a) An eligible district or eligible intermediate district may
 29 contract with public or private entities, other districts or

1 intermediate districts, or a consortium of other districts or
2 intermediate districts to provide COVID-19 remediation services
3 under this section.

4 (b) An eligible intermediate district may provide its COVID-19
5 remediation services to its constituent districts to provide to
6 eligible ~~pupils-~~**children**.

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

1 dollar amount per eligible ~~pupil~~-**child** in the program or programs
2 described in this sentence.

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

10 (a) Eligible districts or eligible intermediate districts with
11 the highest number of eligible ~~pupils~~-**children** who, based on the
12 application for funding under this section, will enroll or are
13 enrolled in the program.

14 (b) Eligible districts or eligible intermediate districts with
15 the largest size program.

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

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

29 (10) If, in its application for funding under this section, an

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

22 (11) For purposes of determining which eligible districts and
23 eligible intermediate districts will receive additional payments as
24 described in subsection (5) (d), the department's innovation council
25 shall, based on applications submitted under this section,
26 designate summer programs and credit recovery programs that are
27 offered as part of COVID-19 remediation services under this section
28 that, in their applications for funding under this section, request
29 innovative designation as innovative if it determines those

1 programs are innovative. A program that is designated as innovative
2 under this subsection may include, without limitation, 1 or more of
3 the following:

- 4 (a) Community-based projects.
- 5 (b) Integrated kinesthetic or cognitive growth programs.
- 6 (c) STEM-based programs.
- 7 (d) Outdoor or adventure-based programs.
- 8 (e) Any programs that integrate public and private
9 partnerships.

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

15 (13) As used in this section:

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

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

20 (i) A summer program.

21 (ii) A credit recovery program.

22 (iii) A before-school, after-school, or before-and-after school
23 program.

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

26 (i) Is offered to each eligible ~~pupil~~**child** described in
27 subdivision (d) (ii) who was enrolled in any of grades 9 to 12 in the
28 2020-2021 school year.

29 (ii) Is a program that is designed to provide educational

1 remediation to ~~pupils~~**children**.

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

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

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

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

12 ~~(A) Any of the following apply:~~

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

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

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

23 ~~(B) The **the** eligible district or eligible intermediate~~
24 ~~district providing the summer program under this section has~~
25 ~~determined that the child is eligible for enrollment in the~~
26 ~~eligible district's or eligible intermediate district's summer~~
27 ~~program. An eligible district or eligible intermediate district is~~
28 ~~encouraged to base the determination described in this ~~sub-~~~~
29 ~~subparagraph~~**subparagraph** on benchmark assessment data from the

1 benchmark assessment or benchmark assessments administered to the
2 child under section 104, as applicable, **or on local assessments and**
3 **is encouraged, in making its determination under this subparagraph,**
4 **to consider the children with the greatest need based on academics,**
5 **social-emotional and mental-health risk, or student engagement.**

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

9 (A) In the 2020-2021 school year, the child was enrolled in
10 the eligible district, eligible intermediate district, or a
11 constituent district of the eligible intermediate district that
12 provides the credit recovery program to the child under this
13 section.

14 (B) Any of the following apply:

15 (I) The child has failed 1 or more credits or courses in the
16 2020-2021 school year.

17 (II) The child is not on track to graduate from high school,
18 as determined by the eligible district, eligible intermediate
19 district, or constituent district of the eligible intermediate
20 district in which the child was enrolled as described in sub-
21 subparagraph (A).

22 (III) The eligible district, eligible intermediate district,
23 or constituent district of the eligible intermediate district in
24 which the child was enrolled as described in sub-subparagraph (A)
25 has determined that the child is eligible for enrollment in the
26 eligible district's or eligible intermediate district's credit
27 recovery program.

28 (iii) For participation in a before-school, after-school, or
29 before-and-after school program offered as part of COVID-19

1 remediation services under this section, both of the following
2 apply:

3 (A) In the 2020-2021 school year, the child was enrolled in
4 any of grades K to 12 in the eligible district, eligible
5 intermediate district, or a constituent district of the eligible
6 intermediate district that provides the before-school, after-
7 school, or before-and-after school program to the child under this
8 section.

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

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

17 (i) Is offered to each eligible ~~pupil~~ **child** described in
18 subdivision (d) (i) who was enrolled in any of grades K to ~~8-12~~ in
19 the 2020-2021 school year.

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

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

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

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

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

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