

**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, 25i, and 31a (MCL 388.1611,
388.1611n, 388.1611r, 388.1625i, and 388.1631a), section 11 as
amended and sections 11n and 11r as added by 2021 PA 3 and section
25i as added and section 31a as amended by 2020 PA 165, and by
adding sections 11o, 11t, 23d, and 201d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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



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

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

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

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

27 **(2) From the federal funds appropriated under section 11,**
 28 **there is allocated for 2020-2021 an amount not to exceed**
 29 **\$3,713,833,000.00 from the federal funding awarded to this state**



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

8 Sec. 11o. (1) From the federal funds allocated under section
9 11n, there is allocated for 2020-2021 an amount not to exceed
10 \$86,777,000.00 from the federal funding awarded to this state from
11 the governor's emergency education relief (GEER) fund under the
12 coronavirus response and relief supplemental appropriations act,
13 2021, division M of Public Law 116-260, for emergency assistance to
14 nonpublic schools as provided under section 312(d) of the
15 coronavirus response and relief supplemental appropriations act,
16 2021, division M of Public Law 116-260.

17 (2) From the federal funds appropriated under section 11,
18 there is allocated for 2020-2021 an amount not to exceed
19 \$93,023,000.00 from the federal funding awarded to this state under
20 the American rescue plan act of 2021, title II, subtitle A, part 1
21 of Public Law 117-2, for emergency assistance to nonpublic schools
22 as 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~~ **\$1,498,958,986.00** 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 there is allocated an amount not to exceed
2 \$3,709,833,000.00 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, and from the state school aid fund
6 money appropriated under section 11, there is allocated
7 \$136,000,000.00, 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 is presented to the governor.

14 **(4) Except as otherwise provided in this subsection, from the**
 15 **federal funds allocated under subsection (1), \$840,677,500.00 from**
 16 **the federal funding awarded to this state from the elementary and**
 17 **secondary school emergency relief (ESSER) fund under the**
 18 **coronavirus response and relief supplemental appropriations act,**
 19 **2021, division M of Public Law 116-260, is allocated for payments**
 20 **to districts as provided under this subsection. From the funds**
 21 **allocated in this subsection, the department shall pay each**
 22 **district in proportion to the amount of funds the district received**
 23 **under part A of title I of the elementary and secondary education**
 24 **act of 1965, Public Law 103-382, in the most recent fiscal year.**
 25 **The funding under this subsection is a portion of the funding that**
 26 **is designated as subgrants to local educational agencies as**
 27 **provided under section 313(c) of the coronavirus response and**
 28 **relief supplemental appropriations act, 2021, division M of Public**
 29 **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 not later than March 22, 2021, excluding days that are
 12 part of a previously scheduled period of time for which the
 13 district is not in session, the district offers in-person
 14 instruction at least 20 hours each school week if the district's
 15 school week includes 5 school days or, if the district's school
 16 week does not include 5 school days, offers in-person instruction
 17 in an amount of hours necessary each school week to provide the
 18 instruction it would have provided in 20 hours for a 5-school-day
 19 school week to all pupils enrolled in the district, regardless of
 20 whether or not all pupils enrolled in the district participate in
 21 the in-person instruction offered. This subdivision does not apply
 22 to a district that operates as a cyber school as that term is
 23 defined in section 551 of the revised school code, MCL 380.551. As
 24 used in this subdivision, "in-person instruction" means instruction
 25 that a pupil receives while he or she is physically present at a
 26 school building designated by the district in which he or she is
 27 enrolled.

28 (c) The district has an extended COVID-19 learning plan that
 29 has been approved under section 98a. This subdivision does not



1 apply to a district that operates as a cyber school as that term is
2 defined in section 551 of the revised school code, MCL 380.551.

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

12 (6) ~~(5)~~ Funds received by districts under ~~this section~~
13 **subsections (2), (4), and (5)** must be used for the purposes
14 described in section 313(d) of the coronavirus response and relief
15 supplemental appropriations act, 2021, division M of Public Law
16 116-260.

17 (7) ~~(6)~~ In order to receive funding under ~~this section,~~
18 **subsections (2), (4), and (5)**, a district must submit a spending
19 plan to the department by not later than ~~45 days after the~~
20 ~~effective date of the amendatory act that added this section.~~ **April**
21 **23, 2021.** A spending plan described in this subsection must include
22 the district's estimated spending of funds received under this
23 section for the purposes described in subsection ~~(5),~~ **(6)**,
24 disaggregated by the type of service provided. The department shall
25 send a report concerning the spending plans received under this
26 subsection to the legislature.

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

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

23 (10) From the federal funds allocated under section 11n, there
24 is allocated for 2020-2021 an amount not to exceed \$361,983,300.00
25 from the federal funding awarded to this state from the elementary
26 and secondary school emergency relief (ESSER) fund under the
27 American rescue plan act of 2021, title II, subtitle A, part 1 of
28 Public Law 117-2, to eligible districts as provided in this
29 subsection. The department shall pay each eligible district under



1 this subsection an amount equal to the product of the district's
2 2020-2021 pupils in membership multiplied by the difference between
3 \$1,093.00 and the district's ESSER III formula payment per pupil. A
4 district to which both of the following apply is an eligible
5 district under this subsection:

6 (a) The district has an ESSER III formula payment per pupil
7 that is less than \$1,093.00.

8 (b) By not later than May 10, 2021, excluding days that are
9 part of a previously scheduled period of time for which the
10 district is not in session, the district offers in-person
11 instruction at least 20 hours each school week if the district's
12 school week includes 5 school days or, if the district's school
13 week does not include 5 school days, offers in-person instruction
14 in an amount of hours necessary each school week to provide the
15 instruction it would have provided in 20 hours for a 5-school-day
16 school week to all pupils enrolled in the district, regardless of
17 whether or not all pupils enrolled in the district participate in
18 the in-person instruction offered. This subdivision does not apply
19 to a district that operates as a cyber school as that term is
20 defined in section 551 of the revised school code, MCL 380.551. As
21 used in this subdivision, "in-person instruction" means instruction
22 that a pupil receives while he or she is physically present at a
23 school building designated by the district in which he or she is
24 enrolled.

25 (11) Both of the following apply to the funding under
26 subsection (10):

27 (a) An eligible district shall dedicate the following
28 percentages of a payment received under subsection (10) as follows,
29 in accordance with the requirements under section 2001(f) of the



1 American rescue plan act of 2021, title II, subtitle A, part 1 of
2 Public Law 117-2:

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

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

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

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

17 (12) In order to receive funding under subsections (8) and
18 (10), a district must submit a spending plan to the department by
19 not later than 45 days after the effective date of the amendatory
20 act that added this subsection. A spending plan described in this
21 subsection must include the district's estimated spending of funds
22 received under subsections (8) and (10) for the purposes described
23 in subsections (9) and (11), disaggregated by the type of service
24 provided. A district shall also post the spending plan described in
25 this subsection on its website.

26 (13) ~~(7)~~ From the federal funds allocated under subsection
27 (1), there is allocated ~~\$2,733,000.00~~ \$8,281,486.00 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 (14) ~~(8)~~—As used in this section: ~~7~~

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

18 (b) "ESSER III formula payment per pupil" means an amount
 19 equal to the amount of funds the district receives under subsection
 20 (8) divided by the district's pupils in membership for the 2020-
 21 2021 school year as calculated under section 6.

22 **Sec. 11t. (1) From the federal funds allocated under section**
 23 **11n, there is allocated for 2020-2021 an amount not to exceed**
 24 **\$45,000,000.00 from the federal funding awarded to this state from**
 25 **the coronavirus state fiscal recovery fund under the American**
 26 **rescue plan act of 2021, title IX, subtitle M of Public Law 117-2,**
 27 **for competitive grants to districts to update their HVAC systems or**
 28 **provide devices to improve indoor air quality.**

29 (2) A district seeking a grant under this section must apply



1 for the grant to the department, in a form and manner prescribed by
2 the department, by not later than September 1, 2021. By not later
3 than June 1, 2021, the department shall develop and make available
4 an application process for applying for grants under this section.
5 The department shall select the districts that will receive grants
6 under this section and provide notice of its selections by not
7 later than September 30, 2021.

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

11 (a) The amount of elementary and secondary school emergency
12 relief (ESSER) fund funding the district received or will receive
13 under the coronavirus response and relief supplemental
14 appropriations act, 2021, division M of Public law 116-260, and the
15 American rescue plan act of 2021, title II, subtitle A, part 1 of
16 Public Law 117-2. The highest amount of priority under this
17 subsection must be given to the applicant districts that received
18 the least amount of elementary and secondary school emergency
19 relief (ESSER) fund funding described in this subdivision, and the
20 amount of priority given under this subsection must decrease as the
21 amount of elementary and secondary school emergency relief (ESSER)
22 fund funding described in this subdivision each applicant district
23 received increases.

24 (b) Whether the board of the district has adopted a resolution
25 stating that the district will implement, for the first time, a
26 balanced calendar instructional program beginning with the 2021-
27 2022 school year for at least 1 school operated by the district. A
28 district for which the board has adopted a resolution as described
29 in this subdivision must receive higher priority under this



1 subsection than a district for which the board did not adopt a
2 resolution as described in this subdivision.

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

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

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

11 Sec. 23d. (1) From the federal funds allocated under section
12 11n from the federal funding awarded to this state from the
13 governor's emergency education relief (GEER) fund under the
14 coronavirus response and relief supplemental appropriations act,
15 2021, division M of Public Law 116-260, there is allocated for
16 2020-2021 an amount not to exceed \$10,000,000.00 for the purposes
17 of this section. The department shall establish a grant program to
18 distribute this funding to eligible parents and eligible legal
19 guardians described in subsection (3).

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

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

29 (a) The child of the parent or legal guardian is enrolled in



1 summer programming in 2021.

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

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

9 (d) If the parent or legal guardian is seeking reimbursement
10 for expenses incurred in relation to providing summer programming
11 for his or her child as described in subdivision (a), in his or her
12 application for funding under this section, the parent or legal
13 guardian describes those expenses.

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

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

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

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

28 (6) If funds allocated under this section are insufficient to
29 fully fund payments under this section, the department shall apply



1 proration in equal proportion to the amount the eligible parent or
 2 eligible legal guardian would have received under this section but
 3 for the application of proration under this subsection.

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

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

24 (2) A pupil who meets any of the following and who is enrolled
 25 in a district that opts into the attendance recovery program funded
 26 under this section is an eligible pupil under this section:

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

29 (b) The pupil needs intervention based on his or her absences



1 or consistent disengagement in classes.

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

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

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

7 (f) The pupil has disengaged in his or her education, is
8 attending school irregularly, or is not progressing in his or her
9 coursework.

10 (3) An attendance recovery program that meets all of the
11 following is an eligible attendance recovery program under this
12 section:

13 (a) Reflects experience and successful outcomes running
14 statewide student recovery programs.

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

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

20 (d) Reflects experience in assisting at-risk students in
21 overcoming learning barriers in a remote or online learning
22 environment.

23 (e) Has the ability to scale to provide outreach to at least
24 20,000 students before the end of 2020.

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

29 (a) Work with the department to notify districts about the



1 program and provide technical assistance to districts interested in
2 opting in.

3 (b) Work with each district to obtain contact information for
4 each eligible pupil.

5 (c) Provide outreach using differentiated treatment strategies
6 to pupils and families using multiple modalities that may include
7 phone, text, social media, ~~electronic mail,~~ **email**, and traditional
8 mail, to find and engage eligible pupils.

9 (d) Implement a culturally and linguistically responsive
10 outreach and support plan. Elements of the plan must include
11 differentiated outreach and ongoing coaching strategies to families
12 to ensure cultural and linguistic relevance.

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

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

21 (g) Report weekly to each district that has opted into the
22 program and to the department with metrics agreed upon by the
23 provider and the department.

24 (5) Notwithstanding section 17b, the department shall make
25 payments under this section by not later than ~~December 1,~~
26 **2020-September 30, 2021.**

27 Sec. 31a. (1) From the state school aid fund money
28 appropriated in section 11, there is allocated for 2020-2021 an
29 amount not to exceed \$535,150,000.00, **and from the federal money**



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

12 (2) For a district that has combined state and local revenue
13 per membership pupil under section 20 that is greater than the
14 target foundation allowance under section 20 for the current fiscal
15 year and that, for the immediately preceding fiscal year, had
16 combined state and local revenue per membership pupil under section
17 20 that was greater than the target foundation allowance under
18 section 20 that was in effect for that fiscal year, the allocation
19 under this section is an amount equal to 30% of the allocation for
20 which it would otherwise be eligible under this section before any
21 proration under subsection (14). It is the intent of the
22 legislature that, if revenues are sufficient and if districts with
23 combined state and local revenue per membership pupil under section
24 20 that is below the target foundation allowance are receiving
25 nonprorated payments under this section, the percentage in the
26 immediately preceding sentence must be increased annually until it
27 reaches 100%. If a district has combined state and local revenue
28 per membership pupil under section 20 that is greater than the
29 target foundation allowance under section 20 for the current fiscal



1 year, but for the 2018-2019 fiscal year had combined state and
 2 local revenue per membership pupil under section 20 that was less
 3 than the basic foundation allowance under section 20 that was in
 4 effect for the 2018-2019 fiscal year, the district shall receive an
 5 amount per pupil equal to 11.5% of the statewide weighted average
 6 foundation allowance, as applied under subsection (4), and before
 7 any proration under subsection (14).

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

23 (a) Team-based leadership.

24 (b) A tiered delivery system.

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

27 (d) A comprehensive screening and assessment system.

28 (e) Continuous data-based decision making.

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



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

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

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

16 (ii) If the district or public school academy is in the
 17 community eligibility program, the number of pupils determined to
 18 be eligible based on the product of the identified student
 19 percentage multiplied by the total number of pupils in the district
 20 or public school academy, as reported to the center in the form and
 21 manner prescribed by the center not later than the fifth Wednesday
 22 after the pupil membership count day of the immediately preceding
 23 fiscal year. These calculations must be made at the building level.
 24 This subparagraph only applies to an eligible district or eligible
 25 public school academy for the fiscal year immediately following the
 26 first fiscal year in which it is in the community eligibility
 27 program. As used in this subparagraph, "identified student
 28 percentage" means the quotient of the number of pupils in an
 29 eligible district or eligible public school academy who are



1 determined to be economically disadvantaged, as reported to the
2 center in a form and manner prescribed by the center, not later
3 than the fifth Wednesday after the pupil membership count day in
4 the fiscal year preceding the first fiscal year in which the
5 eligible district or eligible public school academy is in the
6 community eligibility program, divided by the total number of
7 pupils counted in an eligible district or eligible public school
8 academy on the pupil membership count day in the fiscal year
9 preceding the first fiscal year in which the eligible district or
10 eligible public school academy is in the community eligibility
11 program.

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

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

28 (d) If, for a particular fiscal year, the number of membership
29 pupils in a district or public school academy who are determined



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

14 (5) Except as otherwise provided in this section, a district
15 or public school academy receiving funding under this section shall
16 use that money only to provide instructional programs and direct
17 noninstructional services, including, but not limited to, medical,
18 mental health, or counseling services, for at-risk pupils; for
19 school health clinics; and for the purposes of subsection (6), (7),
20 or (8). In addition, a district that is a school district of the
21 first class or a district or public school academy in which at
22 least 50% of the pupils in membership were determined to be
23 economically disadvantaged in the immediately preceding state
24 fiscal year, as determined and reported as described in subsection
25 (4), may use not more than 20% of the funds it receives under this
26 section for school security that aligns to the needs assessment and
27 the multi-tiered system of supports model. A district or public
28 school academy shall not use any of that money for administrative
29 costs. The instruction or direct noninstructional services provided



1 under this section may be conducted before or after regular school
2 hours or by adding extra school days to the school year.

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

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

24 (8) From the ~~funds~~ **state school aid fund money** allocated under
25 subsection (1), there is allocated for 2020-2021 an amount not to
26 exceed \$5,150,000.00 for the state portion of the hearing and
27 vision screenings as described in section 9301 of the public health
28 code, 1978 PA 368, MCL 333.9301. A local public health department
29 shall pay at least 50% of the total cost of the screenings. The



1 frequency of the screenings must be as required under R 325.13091
2 to R 325.13096 and R 325.3271 to R 325.3276 of the Michigan
3 Administrative Code. Funds must be awarded in a form and manner
4 approved jointly by the department and the department of health and
5 human services. Notwithstanding section 17b, the department shall
6 make payments to eligible entities under this subsection on a
7 schedule determined by the department.

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

29 (10) In order to receive funds under this section, a district



1 or public school academy must allow access for the department or
2 the department's designee to audit all records related to the
3 program for which it receives those funds. The district or public
4 school academy shall reimburse the state for all disallowances
5 found in the audit.

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

19 (12) A district or public school academy that receives funds
20 under this section may use up to 7.5% of those funds to provide
21 research based professional development and to implement a coaching
22 model that supports the multi-tiered system of supports framework.
23 Professional development may be provided to district and school
24 leadership and teachers and must be aligned to professional
25 learning standards; integrated into district, school building, and
26 classroom practices; and solely related to the following:

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



1 (b) Implementing section 1280f of the revised school code, MCL
2 380.1280f, as required under subsection (3), with fidelity.

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

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

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

20 (16) From the ~~funds~~ **state school aid fund money** allocated
21 under subsection (1), there is allocated for 2020-2021 an amount
22 not to exceed \$12,000,000.00 for payments to districts and public
23 school academies that otherwise received an allocation under this
24 subsection for 2019-2020 and whose allocation under this section
25 for 2019-2020, excluding any payments under subsection (7) or (8),
26 would have been more than the district's or public school academy's
27 allocation under this section for 2020-2021 as calculated under
28 subsection (4) only and as adjusted under subsection (14). The
29 allocation for each district or public school academy under this



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

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

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

25 (19) As used in this section:

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

29 (i) The pupil is economically disadvantaged.



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

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

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

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

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

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

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

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

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

21 (b) "Economically disadvantaged" means a pupil who has been
22 determined eligible for free or reduced-price meals as determined
23 under the Richard B. Russell national school lunch act, 42 USC 1751
24 to 1769j; who is in a household receiving supplemental nutrition
25 assistance program or temporary assistance for needy families
26 assistance; or who is homeless, migrant, or in foster care, as
27 reported to the center.

28 (c) "English language learner" means limited English
29 proficient pupils who speak a language other than English as their



1 primary language and have difficulty speaking, reading, writing, or
2 understanding English as reported to the center.

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

11 **Sec. 201d. In addition to the funds appropriated in section**
12 **201, the following are appropriated for the fiscal year ending**
13 **September 30, 2021 from the federal funding awarded to this state**
14 **from the elementary and secondary school emergency relief (ESSER)**
15 **fund under the American rescue plan act of 2021, title II, subtitle**
16 **A, part 1 of Public Law 117-2:**

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

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

26 (i) Alpena Community College, \$42,800.00.

27 (ii) Bay de Noc Community College, \$66,800.00.

28 (iii) Delta College, \$183,700.00.

29 (iv) Glen Oaks Community College, \$28,100.00.



- 1 (v) Gogebic Community College, \$20,500.00.
 2 (vi) Grand Rapids Community College, \$0.00.
 3 (vii) Henry Ford College, \$294,500.00.
 4 (viii) Jackson College, \$134,300.00.
 5 (ix) Kalamazoo Valley Community College, \$192,100.00.
 6 (x) Kellogg Community College, \$137,700.00.
 7 (xi) Kirtland Community College, \$40,400.00.
 8 (xii) Lake Michigan College, \$58,000.00.
 9 (xiii) Lansing Community College, \$350,600.00.
 10 (xiv) Macomb Community College, \$548,700.00.
 11 (xv) Mid Michigan College, \$81,500.00.
 12 (xvi) Monroe County Community College, \$81,000.00.
 13 (xvii) Montcalm Community College, \$46,300.00.
 14 (xviii) Mott Community College, \$163,800.00.
 15 (xix) Muskegon Community College, \$100,800.00.
 16 (xx) North Central Michigan College, \$58,800.00.
 17 (xxi) Northwestern Michigan College, \$152,400.00.
 18 (xxii) Oakland Community College, \$486,800.00.
 19 (xxiii) Schoolcraft College, \$410,000.00.
 20 (xxiv) Southwestern Michigan College, \$44,000.00.
 21 (xxv) St. Clair County Community College, \$80,000.00.
 22 (xxvi) Washtenaw Community College, \$388,900.00.
 23 (xxvii) Wayne County Community College, \$781,000.00.
 24 (xxviii) West Shore Community College, \$26,500.00.

25 Enacting section 1. (1) In accordance with section 30 of
 26 article IX of the state constitution of 1963, total state spending
 27 on school aid under article I of the state school aid act of 1979,
 28 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 165,



1 2021 PA 3, and this amendatory act, from state sources for fiscal
2 year 2020-2021 is estimated at \$13,888,484,200.00 and state
3 appropriations for school aid to be paid to local units of
4 government for fiscal year 2020-2021 are estimated at
5 \$13,716,487,100.00.

6 (2) In accordance with section 30 of article IX of the state
7 constitution of 1963, total state spending on school aid under
8 article II of the state school aid act of 1979, 1979 PA 94, MCL
9 388.1801 to 388.1830, as amended by 2020 PA 165 and this amendatory
10 act, from state sources for fiscal year 2020-2021 is estimated at
11 \$425,667,600.00 and state appropriations for school aid to be paid
12 to local units of government for fiscal year 2020-2021 are
13 estimated at \$425,667,600.00.

