

**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, 23b, 25i, and 31a (MCL 388.1611,
388.1611n, 388.1611r, 388.1623b, 388.1625i, and 388.1631a), section
11 as amended by 2021 PA 3, sections 11n, 11r, and 23b as added by
2021 PA 3, section 25i as added by 2020 PA 165, 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

1 \$50,964,600.00 from the general fund, an amount not to exceed
2 \$77,700,000.00 from the community district education trust fund
3 created under section 12 of the Michigan trust fund act, 2000 PA
4 489, MCL 12.262, and an amount not to exceed \$100.00 from the water
5 emergency reserve fund. In addition, all available federal funds
6 are **only** appropriated **as allocated in this article** for the fiscal
7 year ending September 30, 2021.

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

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

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

28 **(2) From the federal funds appropriated under section 11,**
29 **there is allocated for 2020-2021 an amount not to exceed**

1 \$3,713,833,000.00 from the federal funding awarded to this state
2 from the elementary and secondary school emergency relief (ESSER)
3 fund under the American rescue plan act of 2021, title II, subtitle
4 A, part 1 of Public Law 117-2, and there is allocated for 2020-2021
5 an amount not to exceed \$65,000,000.00 from the federal funding
6 awarded to this state from the coronavirus state fiscal recovery
7 fund under the American rescue plan act of 2021, title IX, subtitle
8 M of Public Law 117-2.

9 Sec. 11o. (1) From the federal funds allocated under section
10 11n, there is allocated for 2020-2021 an amount not to exceed
11 \$86,777,000.00 from the federal funding awarded to this state from
12 the governor's emergency education relief (GEER) fund under the
13 coronavirus response and relief supplemental appropriations act,
14 2021, division M of Public Law 116-260, for emergency assistance to
15 nonpublic schools as provided under section 312(d) of the
16 coronavirus response and relief supplemental appropriations act,
17 2021, division M of Public Law 116-260.

18 (2) From the federal funds appropriated under section 11,
19 there is allocated for 2020-2021 an amount not to exceed
20 \$93,023,000.00 from the federal funding awarded to this state under
21 the American rescue plan act of 2021, title II, subtitle A, part 1
22 of Public Law 117-2, for emergency assistance to nonpublic schools
23 as provided under section 2002 of the American rescue plan act of
24 2021, title II, subtitle A, part 1 of Public Law 117-2.

25 Sec. 11r. (1) From the federal ~~fund money~~ **funds** allocated
26 under section 11n, there is allocated for 2020-2021 an amount not
27 to exceed ~~\$1,493,410,500.00~~ **\$1,498,958,986.00** from the federal
28 funding awarded to this state from the elementary and secondary
29 school emergency relief (ESSER) fund under the coronavirus response

1 and relief supplemental appropriations act, 2021, division M of
2 Public Law 116-260, **and there is allocated an amount not to exceed**
3 **\$3,709,833,000.00 from the federal funding awarded to this state**
4 **from the elementary and secondary school emergency relief (ESSER)**
5 **fund under the American rescue plan act of 2021, title II, subtitle**
6 **A, part 1 of Public Law 117-2,** and from the state school aid fund
7 money appropriated under section 11, there is allocated
8 \$136,000,000.00, for the purposes of this section.

9 (2) From the federal funds allocated under subsection (1),
10 \$650,000,000.00 **from the federal funding awarded to this state from**
11 **the elementary and secondary school emergency relief (ESSER) fund**
12 **under the coronavirus response and relief supplemental**
13 **appropriations act, 2021, division M of Public Law 116-260,** is
14 allocated for payments to districts as provided under this
15 subsection. From the funds allocated in this subsection, the
16 department shall pay each district in proportion to the amount of
17 funds the district received under part A of title I of the
18 elementary and secondary education act of 1965, Public Law 103-382,
19 in the most recent fiscal year. The funding under this subsection
20 is a portion of the funding that is designated as subgrants to
21 local educational agencies as provided under section 313(c) of the
22 coronavirus response and relief supplemental appropriations act,
23 2021, division M of Public Law 116-260.

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

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

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

1 **Law 116-260.**

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

12 ~~(a) The district's ESSER formula payment per pupil is less~~
 13 ~~than \$450.00.~~

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

1 ~~enrolled.~~

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

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

15 ~~(6) (5)~~ Funds received by districts under ~~this section~~
16 **subsections (2), (4) and (5)** must be used for the purposes
17 described in section 313(d) of the coronavirus response and relief
18 supplemental appropriations act, 2021, division M of Public Law
19 116-260.

20 ~~(7) (6)~~ In order to receive funding under ~~this section,~~
21 **subsections (2) and (4)**, 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, and~~
24 **in order to receive funding under subsection (5), a district must**
25 **submit a spending plan to the department by not later than June 18,**
26 **2021.** A spending plan described in this subsection must include the
27 district's estimated spending of funds received under this section
28 for the purposes described in subsection ~~(5), (6)~~, disaggregated by
29 the type of service provided. The department shall send a report

1 concerning the spending plans received under this subsection to the
2 legislature.

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

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

28 (10) From the federal funds allocated under section 11n, there
29 is allocated for 2020-2021 an amount not to exceed \$361,983,300.00

1 from the federal funding awarded to this state from the elementary
2 and secondary school emergency relief (ESSER) fund under the
3 American rescue plan act of 2021, title II, subtitle A, part 1 of
4 Public Law 117-2, to eligible districts as provided in this
5 subsection. **Subject to subsection (15), the department shall pay**
6 **each eligible district under this subsection an amount equal to the**
7 **product of the district's 2020-2021 pupils in membership multiplied**
8 **by the difference between \$1,093.00 and the district's ESSER III**
9 **formula payment per pupil. A district that has an ESSER III formula**
10 **payment per pupil that is less than \$1,093.00 is an eligible**
11 **district under this subsection.**

12 (11) Both of the following apply to the funding under
13 subsection (10):

14 (a) An eligible district shall dedicate the following
15 percentages of a payment received under subsection (10) as follows,
16 in accordance with the requirements under section 2001(f) of the
17 American rescue plan act of 2021, title II, subtitle A, part 1 of
18 Public Law 117-2:

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

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

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

25 (b) In accordance with section 2001(f) of the American rescue
26 plan act of 2021, title II, subtitle A, part 1 of Public Law 117-2,
27 an eligible district must ensure that the interventions,
28 activities, and programs under subdivision (a) respond to students'
29 academic, social, and emotional needs and address the

1 disproportionate impact of COVID-19 on the student subgroups
2 described in section 6311(b) (2) (B) (xi) of 20 USC 6311; students
3 experiencing homelessness; and children and youth in foster care.

4 (12) In order to receive funding under subsection (8), a
5 district must submit a spending plan to the department by not later
6 than 45 days after the effective date of the amendatory act that
7 added this subsection and, in order to receive funding under
8 subsection (10), a district must submit a spending plan to the
9 department by not later than June 18, 2021. A spending plan
10 described in this subsection must include the district's estimated
11 spending of funds received under subsections (8) and (10) for the
12 purposes described in subsections (9) and (11), disaggregated by
13 the type of service provided. A district shall also post the
14 spending plan described in this subsection on its website.

15 (13) ~~(7)~~ From the federal funds allocated under subsection
16 (1), there is allocated ~~\$2,733,000.00~~ \$8,281,486.00 from the
17 federal funding awarded to this state from the elementary and
18 secondary school emergency relief (ESSER) fund under the
19 coronavirus response and relief supplemental appropriations act,
20 2021, division M of Public Law 116-260, to the department for
21 administrative costs in implementing this section.

22 (14) The department shall make payments to districts under
23 subsection (5) in the following proportions:

24 (a) Subject to subdivisions (f) and (g), 100% of a payment
25 under subsection (5) must be made to a district, excluding a
26 district that is a cyber school or an approved district, that, from
27 April 12, 2021 through June 4, 2021, excluding days that are part
28 of a previously scheduled period of time for which the district is
29 not in session, offered in-person instruction at least an average

1 of 25 hours each school week based on the total number of hours
2 offered during the period described in this subdivision, if the
3 district's school week includes 5 school days or, if the district's
4 school week does not include 5 school days, offered in-person
5 instruction in an amount of hours necessary each school week to
6 provide the instruction it would have provided in an average of 25
7 hours each school week for a 5-school-day school week during the
8 period described in this subdivision to all pupils enrolled in the
9 district, regardless of whether or not all pupils enrolled in the
10 district participated in the in-person instruction offered. As used
11 in this subdivision, "in-person instruction" means instruction that
12 a pupil receives while he or she is physically present at a school
13 building designated by the district in which he or she is enrolled.

14 (b) Only 75% of a payment under subsection (5) must be made
15 to a district, excluding a district that is a cyber school or an
16 approved district, that, from April 12, 2021 through June 4, 2021,
17 excluding days that are part of a previously scheduled period of
18 time for which the district is not in session, offered in-person
19 instruction at least an average of 20 hours each school week based
20 on the total number of hours offered during the period described in
21 this subdivision, if the district's school week includes 5 school
22 days or, if the district's school week does not include 5 school
23 days, offered in-person instruction in an amount of hours necessary
24 each school week to provide the instruction it would have provided
25 in an average of 20 hours each school week for a 5-school-day
26 school week during the period described in this subdivision to all
27 pupils enrolled in the district, regardless of whether or not all
28 pupils enrolled in the district participated in the in-person
29 instruction offered. As used in this subdivision, "in-person

1 instruction" means instruction that a pupil receives while he or
2 she is physically present at a school building designated by the
3 district in which he or she is enrolled.

4 (c) Only 50% of a payment under subsection (5) must be made to
5 a district, excluding a district that is a cyber school or an
6 approved district, that, from April 12, 2021 through June 4, 2021,
7 excluding days that are part of a previously scheduled period of
8 time for which the district is not in session, offered in-person
9 instruction at least an average of 15 hours each school week based
10 on the total number of hours offered during the period described in
11 this subdivision, if the district's school week includes 5 school
12 days or, if the district's school week does not include 5 school
13 days, offered in-person instruction in an amount of hours necessary
14 each school week to provide the instruction it would have provided
15 in an average of 15 hours each school week for a 5-school-day
16 school week during the period described in this subdivision to all
17 pupils enrolled in the district, regardless of whether or not all
18 pupils enrolled in the district participated in the in-person
19 instruction offered. As used in this subdivision, "in-person
20 instruction" means instruction that a pupil receives while he or
21 she is physically present at a school building designated by the
22 district in which he or she is enrolled.

23 (d) Only 25% of a payment under subsection (5) must be made to
24 a district, excluding a district that is a cyber school or an
25 approved district, that, from April 12, 2021 through June 4, 2021,
26 excluding days that are part of a previously scheduled period of
27 time for which the district is not in session, offered in-person
28 instruction at least an average of 10 hours each school week based
29 on the total number of hours offered during the period described in

1 this subdivision, if the district's school week includes 5 school
2 days or, if the district's school week does not include 5 school
3 days, offered in-person instruction in an amount of hours necessary
4 each school week to provide the instruction it would have provided
5 in an average of 10 hours each school week for a 5-school-day
6 school week during the period described in this subdivision to all
7 pupils enrolled in the district, regardless of whether or not all
8 pupils enrolled in the district participated in the in-person
9 instruction offered. As used in this subdivision, "in-person
10 instruction" means instruction that a pupil receives while he or
11 she is physically present at a school building designated by the
12 district in which he or she is enrolled.

13 (e) Zero percent of a payment under subsection (5) must be
14 made to a district that is not a cyber school or an approved
15 district and that does not meet any of subdivisions (a) to (d).

16 (f) One hundred percent of a payment under subsection (5) must
17 be made to a district that is a cyber school.

18 (g) One hundred percent of a payment under subsection (5) must
19 be made to a district that is an approved district.

20 (15) The department shall make payments under subsection (10)
21 in the following proportions:

22 (a) Subject to subdivision (f), 100% of a payment under
23 subsection (10) must be made to a district, excluding a district
24 that is a cyber school, that, from April 12, 2021 through June 4,
25 2021, excluding days that are part of a previously scheduled period
26 of time for which the district is not in session, offered in-person
27 instruction at least an average of 25 hours each school week based
28 on the total number of hours offered during the period described in
29 this subdivision, if the district's school week includes 5 school

1 days or, if the district's school week does not include 5 school
2 days, offered in-person instruction in an amount of hours necessary
3 each school week to provide the instruction it would have provided
4 in an average of 25 hours each school week for a 5-school-day
5 school week during the period described in this subdivision to all
6 pupils enrolled in the district, regardless of whether or not all
7 pupils enrolled in the district participated in the in-person
8 instruction offered. As used in this subdivision, "in-person
9 instruction" means instruction that a pupil receives while he or
10 she is physically present at a school building designated by the
11 district in which he or she is enrolled.

12 (b) Only 75% of a payment under subsection (10) must be made
13 to a district, excluding a district that is a cyber school, that,
14 from April 12, 2021 through June 4, 2021, excluding days that are
15 part of a previously scheduled period of time for which the
16 district is not in session, offered in-person instruction at least
17 an average of 20 hours each school week based on the total number
18 of hours offered during the period described in this subdivision,
19 if the district's school week includes 5 school days or, if the
20 district's school week does not include 5 school days, offered
21 inperson instruction in an amount of hours necessary each school
22 week to provide the instruction it would have provided in an
23 average of 20 hours each school week for a 5-school-day school week
24 during the period described in this subdivision to all pupils
25 enrolled in the district, regardless of whether or not all pupils
26 enrolled in the district participated in the in-person instruction
27 offered. As used in this subdivision, "in-person instruction" means
28 instruction that a pupil receives while he or she is physically
29 present at a school building designated by the district in which he

1 or she is enrolled.

2 (c) Only 50% of a payment under subsection (10) must be made
3 to a district, excluding a district that is a cyber school, that,
4 from April 12, 2021 through June 4, 2021, excluding days that are
5 part of a previously scheduled period of time for which the
6 district is not in session, offered in-person instruction at least
7 an average of 15 hours each school week based on the total number
8 of hours offered during the period described in this subdivision,
9 if the district's school week includes 5 school days or, if the
10 district's school week does not include 5 school days, offered
11 inperson instruction in an amount of hours necessary each school
12 week to provide the instruction it would have provided in an
13 average of 15 hours each school week for a 5-school-day school week
14 during the period described in this subdivision to all pupils
15 enrolled in the district, regardless of whether or not all pupils
16 enrolled in the district participated in the in-person instruction
17 offered. As used in this subdivision, "in-person instruction" means
18 instruction that a pupil receives while he or she is physically
19 present at a school building designated by the district in which he
20 or she is enrolled.

21 (d) Only 25% of a payment under subsection (10) must be made
22 to a district, excluding a district that is a cyber school, that,
23 from April 12, 2021 through June 4, 2021, excluding days that are
24 part of a previously scheduled period of time for which the
25 district is not in session, offered in-person instruction at least
26 an average of 10 hours each school week based on the total number
27 of hours offered during the period described in this subdivision,
28 if the district's school week includes 5 school days or, if the
29 district's school week does not include 5 school days, offered

1 inperson instruction in an amount of hours necessary each school
2 week to provide the instruction it would have provided in an
3 average of 10 hours each school week for a 5-school-day school week
4 during the period described in this subdivision to all pupils
5 enrolled in the district, regardless of whether or not all pupils
6 enrolled in the district participated in the in-person instruction
7 offered. As used in this subdivision, "in-person instruction" means
8 instruction that a pupil receives while he or she is physically
9 present at a school building designated by the district in which he
10 or she is enrolled.

11 (e) Zero percent of a payment under subsection (10) must be
12 made to a district that is not a cyber school and that does not
13 meet any of subdivisions (a) to (d).

14 (f) One hundred percent of a payment under subsection (10)
15 must be made to a district that is a cyber school.

16 (16) The department shall make all payments under this section
17 by not later than July 2, 2021.

18 (17) To receive funding under subsection (5) or (10), a
19 district must submit an application for the funding, in a form and
20 manner prescribed by the department, by not later than June 18,
21 2021. If, by the effective date of the amendatory act that added
22 this subsection, a district has already submitted an application
23 for funding under subsection (5) and that application was approved
24 by the department, the district is not required to submit another
25 application for funding under subsection (5) under this subsection.

26 (18) ~~(8)~~As used in this section: 7

27 (a) "Approved district" means a district that is not a cyber
28 school that submitted an application for funding under subsection
29 (5) that was approved before the effective date of the amendatory

1 act that added subsection (17).

2 (b) "Cyber school" means that term as defined in section 551
3 of the revised school code, MCL 380.551.

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

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

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

28 (2) A district seeking a grant under this section must apply
29 for the grant to the department, in a form and manner prescribed by

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

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

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

23 (b) Whether the board of the district has adopted a resolution
24 stating that the district will implement, for the first time, a
25 balanced calendar instructional program beginning with the 2021-
26 2022 school year for at least 1 school operated by the district. A
27 district for which the board has adopted a resolution as described
28 in this subdivision must receive higher priority under this
29 subsection than a district for which the board did not adopt a

1 resolution as described in this subdivision.

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

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

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

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

21 (2) The funds allocated under subsection (1) must be
22 distributed by the department as follows:

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

27 (b) An amount not to exceed \$45,000,000.00 from the federal
28 funding allocated under subsection (1) for credit recovery programs
29 that are offered as part of COVID-19 remediation services under

1 this section.

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

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

12 (3) Except as otherwise provided in this subsection, to
13 receive funding under this section, a district or intermediate
14 district must apply for the funding in a form and manner prescribed
15 by the department. An application for funding under this section
16 must be submitted to the department by not later than April 15,
17 2021.

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

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

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

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

1 (A) A description of the summer program.

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

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

6 (D) A statement indicating whether or not the district or
7 intermediate district is requesting that the summer program be
8 designated as innovative under subsection (11) and the reasons the
9 district or intermediate district believes its program is
10 innovative.

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

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

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

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

19 (D) A statement indicating whether or not the district or
20 intermediate district is requesting that the credit recovery
21 program be designated as innovative under subsection (11) and the
22 reasons the district or intermediate district believes its program
23 is innovative.

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

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

29 (B) The number of potential pupils that will enroll or the

1 number of eligible pupils enrolled in the before-school, after-
2 school, or before-and-after school program.

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

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

9 (c) In its application for funding under this section, the
10 district or intermediate district provides information concerning
11 whether or not the district or intermediate district intends to
12 contract for services as described in subsection (6) (a) in
13 providing a summer program, credit recovery program, or before-
14 school, after-school, or before-and-after school program as part of
15 its COVID-19 remediation services under this section.

16 (5) Subject to subsections (2) and (7), from the funding
17 allocated under subsection (1), the department shall pay each
18 eligible district and each eligible intermediate district all of
19 the following, as applicable:

20 (a) An amount equal to \$550.00 for each eligible pupil that,
21 based on the application for funding under this section, will be
22 enrolled or is enrolled in the eligible district's or eligible
23 intermediate district's summer program, as applicable, offered as
24 part of the eligible district's or eligible intermediate district's
25 COVID-19 remediation services under this section.

26 (b) An amount equal to \$550.00 for each eligible pupil that,
27 based on the application for funding under this section, will be
28 enrolled or is enrolled in the eligible district's or eligible
29 intermediate district's credit recovery program, as applicable,

1 offered as part of the eligible district's or eligible intermediate
2 district's COVID-19 remediation services under this section.

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

7 (d) In addition to the amounts distributed under subdivisions
8 (a) and (b), an amount not to exceed \$100.00 for each eligible
9 pupil who, based on the application for funding under this section,
10 will be enrolled or is enrolled in the eligible district's or
11 eligible intermediate district's summer program or credit recovery
12 program, as applicable, if the program or programs have been
13 designated as innovative under subsection (11).

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

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

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

27 (7) If funds allocated under this section for summer programs
28 that are offered as part of COVID-19 remediation services under
29 this section are insufficient to fully fund calculations under this

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

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

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

5 (b) Eligible districts or eligible intermediate districts with
6 the largest size program.

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

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

20 (10) If, in its application for funding under this section, an
21 eligible district or eligible intermediate district submits the
22 potential number of eligible pupils that will enroll in its summer
23 program as described in subsection (4) (b) (i), potential number of
24 eligible pupils that will enroll in its credit recovery program as
25 described in subsection (4) (b) (ii), or potential number of eligible
26 pupils that will enroll in its before-school, after-school, or
27 before-and-after school program as described in subsection
28 (4) (b) (iii), as applicable, and the eligible district or eligible
29 intermediate district receives funding under this section based on

1 those estimations, by June 15, 2021, the eligible district or
2 eligible intermediate district shall submit the number of pupils
3 who actually enrolled in the eligible district's or eligible
4 intermediate district's summer program, credit recovery program, or
5 before-school, after-school, or before-and-after school program. If
6 the eligible district or eligible intermediate district received an
7 overpayment of funds under this section based on its submitted
8 estimates of eligible pupils as described in this subsection, as
9 determined by the department, the eligible district or eligible
10 intermediate district shall refund the department in the amount of
11 the overpayment.

12 (11) For purposes of determining which eligible districts and
13 eligible intermediate districts will receive additional payments as
14 described in subsection (5) (d), the department's innovation council
15 shall, based on applications submitted under this section,
16 designate summer programs and credit recovery programs that are
17 offered as part of COVID-19 remediation services under this section
18 that, in their applications for funding under this section, request
19 innovative designation as innovative if it determines those
20 programs are innovative. A program that is designated as innovative
21 under this subsection may include, without limitation, 1 or more of
22 the following:

- 23 (a) Community-based projects.
- 24 (b) Integrated kinesthetic or cognitive growth programs.
- 25 (c) STEM-based programs.
- 26 (d) Outdoor or adventure-based programs.
- 27 (e) Any programs that integrate public and private
28 partnerships.

29 (12) Notwithstanding section 17b and except as otherwise

1 provided in this subsection, the department shall make payments
2 under this section on a schedule determined by the department. The
3 department shall distribute all funding under this section by not
4 later than May 20, 2021.

5 (13) As used in this section:

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

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

10 (i) A summer program.

11 (ii) A credit recovery program.

12 (iii) A before-school, after-school, or before-and-after school
13 program.

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

16 (i) Is offered to each eligible pupil described in subdivision
17 (d) (ii) who was enrolled in any of grades 9 to 12 in the 2020-2021
18 school year.

19 (ii) Is a program that is designed to provide educational
20 remediation to pupils.

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

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

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

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

1 following apply:

2 (A) Any of the following apply:

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

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

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

13 **(IV) The child was enrolled, for the 2020-2021 school year, in**
14 **the eligible district, eligible intermediate district, or a**
15 **constituent district of the eligible intermediate district that**
16 **provides the summer program to the child under this section.**

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

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

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

1 the eligible district, eligible intermediate district, or a
2 constituent district of the eligible intermediate district that
3 provides the credit recovery program to the child under this
4 section.

5 (B) Any of the following apply:

6 (I) The child has failed 1 or more credits or courses in the
7 2020-2021 school year.

8 (II) The child is not on track to graduate from high school,
9 as determined by the eligible district, eligible intermediate
10 district, or constituent district of the eligible intermediate
11 district in which the child was enrolled as described in sub-
12 subparagraph (A).

13 (III) The eligible district, eligible intermediate district,
14 or constituent district of the eligible intermediate district in
15 which the child was enrolled as described in sub-subparagraph (A)
16 has determined that the child is eligible for enrollment in the
17 eligible district's or eligible intermediate district's credit
18 recovery program.

19 (iii) For participation in a before-school, after-school, or
20 before-and-after school program offered as part of COVID-19
21 remediation services under this section, both of the following
22 apply:

23 (A) In the 2020-2021 school year, the child was enrolled in
24 any of grades K to 12 in the eligible district, eligible
25 intermediate district, or a constituent district of the eligible
26 intermediate district that provides the before-school, after-
27 school, or before-and-after school program to the child under this
28 section.

29 (B) The eligible district, eligible intermediate district, or

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

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

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

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

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

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

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

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

25 **Sec. 23d. (1) From the federal funds allocated under section**
 26 **11n from the federal funding awarded to this state from the**
 27 **governor's emergency education relief (GEER) fund under the**
 28 **coronavirus response and relief supplemental appropriations act,**
 29 **2021, division M of Public Law 116-260, there is allocated for**

1 2020-2021 an amount not to exceed \$10,000,000.00 for the purposes
2 of this section. The department shall establish a grant program to
3 distribute this funding to eligible parents and eligible legal
4 guardians described in subsection (3).

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

11 (3) A parent or legal guardian to whom all of the following
12 apply is an eligible parent or eligible legal guardian under this
13 section:

14 (a) The child of the parent or legal guardian is enrolled in
15 summer programming in 2021.

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

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

23 (d) If the parent or legal guardian is seeking reimbursement
24 for expenses incurred in relation to providing summer programming
25 for his or her child as described in subdivision (a), in his or her
26 application for funding under this section, the parent or legal
27 guardian describes those expenses.

28 (4) From the funding allocated under subsection (1), the
29 department shall provide payments to each eligible parent or

1 eligible legal guardian as follows:

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

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

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

13 (6) If funds allocated under this section are insufficient to
14 fully fund payments under this section, the department shall apply
15 proration in equal proportion to the amount the eligible parent or
16 eligible legal guardian would have received under this section but
17 for the application of proration under this subsection.

18 (7) As used in this section, "summer programming" means an
19 educational enrichment program, including, but not limited to, a
20 summer program or credit recovery program offered as part of COVID-
21 19 remediation services under section 23b, a program that
22 incorporates extracurricular activities, or any other educational
23 program that is provided in person, online, digitally, by other
24 remote means, in a synchronous or asynchronous format, or through
25 any combination of these.

26 Sec. 25i. (1) From the general fund money appropriated in
27 section 11, there is allocated for 2020-2021 an amount not to
28 exceed \$2,000,000.00 and from the federal funds allocated under
29 section 11n, there is allocated for 2020-2021 an amount not to

1 **exceed \$4,000,000.00 from the federal funding awarded to this state**
2 **from the elementary and secondary school emergency relief (ESSER)**
3 **fund under the American rescue plan act of 2021, title II, subtitle**
4 **A, part 1 of Public Law 117-2,** for an eligible attendance recovery
5 program as described in subsection (3). The funds allocated under
6 this section must be used to administer an eligible attendance
7 recovery program for all districts that opt into the program to
8 serve eligible pupils described in subsection (2).

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

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

14 (b) The pupil needs intervention based on his or her absences
15 or consistent disengagement in classes.

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

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

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

21 (f) The pupil has disengaged in his or her education, is
22 attending school irregularly, or is not progressing in his or her
23 coursework.

24 (3) An attendance recovery program that meets all of the
25 following is an eligible attendance recovery program under this
26 section:

27 (a) Reflects experience and successful outcomes running
28 statewide student recovery programs.

29 (b) Has, at a minimum, 2 years of experience working with this

1 state's local education agencies.

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

5 (d) Reflects experience in assisting at-risk students in
6 overcoming learning barriers in a remote or online learning
7 environment.

8 (e) Has the ability to scale to provide outreach to at least
9 20,000 students before the end of 2020.

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

14 (a) Work with the department to notify districts about the
15 program and provide technical assistance to districts interested in
16 opting in.

17 (b) Work with each district to obtain contact information for
18 each eligible pupil.

19 (c) Provide outreach using differentiated treatment strategies
20 to pupils and families using multiple modalities that may include
21 phone, text, social media, ~~electronic mail, email~~, and traditional
22 mail, to find and engage eligible pupils.

23 (d) Implement a culturally and linguistically responsive
24 outreach and support plan. Elements of the plan must include
25 differentiated outreach and ongoing coaching strategies to families
26 to ensure cultural and linguistic relevance.

27 (e) Use information about barriers to engagement gathered from
28 pupils and families to assign eligible pupils to an ongoing support
29 level. Ongoing support levels described in this subdivision must

1 include a minimum of 3 support tiers following the general design
2 of response to intervention (RTI) models.

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

6 (g) Report weekly to each district that has opted into the
7 program and to the department with metrics agreed upon by the
8 provider and the department.

9 (5) Notwithstanding section 17b, the department shall make
10 payments under this section by not later than ~~December 1,~~
11 ~~2020.~~**September 30, 2021.**

12 Sec. 31a. (1) From the state school aid fund money
13 appropriated in section 11, there is allocated for 2020-2021 an
14 amount not to exceed \$535,150,000.00, **and from the federal money**
15 **allocated under section 11n, there is allocated an amount not to**
16 **exceed \$20,000,000.00 from the federal funding awarded to this**
17 **state from the coronavirus state fiscal recovery fund under the**
18 **American rescue plan act of 2021, title IX, subtitle M of Public**
19 **Law 117-2,** for payments to eligible districts and eligible public
20 school academies for the purposes of ensuring that pupils are
21 proficient in English language arts by the end of grade 3, that
22 pupils are proficient in mathematics by the end of grade 8, that
23 pupils are attending school regularly, that high school graduates
24 are career and college ready, and for the purposes under
25 subsections (7) and (8).

26 (2) For a district that has combined state and local revenue
27 per membership pupil under section 20 that is greater than the
28 target foundation allowance under section 20 for the current fiscal
29 year and that, for the immediately preceding fiscal year, had

1 combined state and local revenue per membership pupil under section
2 20 that was greater than the target foundation allowance under
3 section 20 that was in effect for that fiscal year, the allocation
4 under this section is an amount equal to 30% of the allocation for
5 which it would otherwise be eligible under this section before any
6 proration under subsection (14). It is the intent of the
7 legislature that, if revenues are sufficient and if districts with
8 combined state and local revenue per membership pupil under section
9 20 that is below the target foundation allowance are receiving
10 nonprorated payments under this section, the percentage in the
11 immediately preceding sentence must be increased annually until it
12 reaches 100%. If a district 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, but for the 2018-2019 fiscal year had combined state and
16 local revenue per membership pupil under section 20 that was less
17 than the basic foundation allowance under section 20 that was in
18 effect for the 2018-2019 fiscal year, the district shall receive an
19 amount per pupil equal to 11.5% of the statewide weighted average
20 foundation allowance, as applied under subsection (4), and before
21 any proration under subsection (14).

22 (3) For a district or public school academy to be eligible to
23 receive funding under this section, other than funding under
24 subsection (7) or (8), the district or public school academy, for
25 grades K to 12, must comply with the requirements under section
26 1280f of the revised school code, MCL 380.1280f, and shall use
27 resources to address early literacy and numeracy, and for at least
28 grades K to 12 or, if the district or public school academy does
29 not operate all of grades K to 12, for all of the grades it

1 operates, must implement a multi-tiered system of supports that is
 2 an evidence based framework that uses data driven problem solving
 3 to integrate academic and behavioral instruction and that uses
 4 intervention delivered to all pupils in varying intensities based
 5 on pupil needs. The multi-tiered system of supports described in
 6 this subsection must provide at least all of the following
 7 essential components:

8 (a) Team-based leadership.

9 (b) A tiered delivery system.

10 (c) Selection and implementation of instruction,
 11 interventions, and supports.

12 (d) A comprehensive screening and assessment system.

13 (e) Continuous data-based decision making.

14 (4) From the ~~funds~~ **state school aid fund money** allocated under
 15 subsection (1), there is allocated for 2020-2021 an amount not to
 16 exceed \$510,000,000.00 to continue a weighted foundation per pupil
 17 payment for districts and public school academies enrolling
 18 economically disadvantaged pupils. The department shall pay under
 19 this section to each eligible district or eligible public school
 20 academy an amount per pupil equal to 11.5% of the statewide
 21 weighted average foundation allowance for the following, as
 22 applicable:

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

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

1 (ii) If the district or public school academy is in the
2 community eligibility program, the number of pupils determined to
3 be eligible based on the product of the identified student
4 percentage multiplied by the total number of pupils in the district
5 or public school academy, as reported to the center in the form and
6 manner prescribed by the center not later than the fifth Wednesday
7 after the pupil membership count day of the immediately preceding
8 fiscal year. These calculations must be made at the building level.
9 This subparagraph only applies to an eligible district or eligible
10 public school academy for the fiscal year immediately following the
11 first fiscal year in which it is in the community eligibility
12 program. As used in this subparagraph, "identified student
13 percentage" means the quotient of the number of pupils in an
14 eligible district or eligible public school academy who are
15 determined to be economically disadvantaged, as reported to the
16 center in a form and manner prescribed by the center, not later
17 than the fifth Wednesday after the pupil membership count day in
18 the fiscal year preceding the first fiscal year in which the
19 eligible district or eligible public school academy is in the
20 community eligibility program, divided by the total number of
21 pupils counted in an eligible district or eligible public school
22 academy on the pupil membership count day in the fiscal year
23 preceding the first fiscal year in which the eligible district or
24 eligible public school academy is in the community eligibility
25 program.

26 (b) If the district or public school academy began operations
27 as a district or public school academy after the pupil membership
28 count day of the immediately preceding school year, the number of
29 membership pupils in the district or public school academy who are

1 determined to be economically disadvantaged, as reported to the
2 center in the form and manner prescribed by the center not later
3 than the fifth Wednesday after the pupil membership count day of
4 the current fiscal year.

5 (c) If the district or public school academy began operations
6 as a district or public school academy after the pupil membership
7 count day of the current fiscal year, the number of membership
8 pupils in the district or public school academy who are determined
9 to be economically disadvantaged, as reported to the center in the
10 form and manner prescribed by the center not later than the fifth
11 Wednesday after the supplemental count day of the current fiscal
12 year.

13 (d) If, for a particular fiscal year, the number of membership
14 pupils in a district or public school academy who are determined
15 under subdivision (a) to be economically disadvantaged or to be
16 eligible based on the identified student percentage varies by more
17 than 20 percentage points from the number of those pupils in the
18 district or public school academy as calculated under subdivision
19 (a) for the immediately preceding fiscal year caused by an
20 egregious reporting error by the district or public school academy,
21 the department may choose to have the calculations under
22 subdivision (a) instead be made using 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 immediately
27 preceding fiscal year.

28 (5) Except as otherwise provided in this section, a district
29 or public school academy receiving funding under this section shall

1 use that money only to provide instructional programs and direct
 2 noninstructional services, including, but not limited to, medical,
 3 mental health, or counseling services, for at-risk pupils; for
 4 school health clinics; and for the purposes of subsection (6), (7),
 5 or (8). In addition, a district that is a school district of the
 6 first class or a district or public school academy in which at
 7 least 50% of the pupils in membership were determined to be
 8 economically disadvantaged in the immediately preceding state
 9 fiscal year, as determined and reported as described in subsection
 10 (4), may use not more than 20% of the funds it receives under this
 11 section for school security that aligns to the needs assessment and
 12 the multi-tiered system of supports model. A district or public
 13 school academy shall not use any of that money for administrative
 14 costs. The instruction or direct noninstructional services provided
 15 under this section may be conducted before or after regular school
 16 hours or by adding extra school days to the school year.

17 (6) A district or public school academy that receives funds
 18 under this section and that operates a school breakfast program
 19 under section 1272a of the revised school code, MCL 380.1272a,
 20 shall use from the funds received under this section an amount, not
 21 to exceed \$10.00 per pupil for whom the district or public school
 22 academy receives funds under this section, necessary to pay for
 23 costs associated with the operation of the school breakfast
 24 program.

25 (7) From the ~~funds~~ **state school aid fund money** allocated under
 26 subsection (1), there is allocated for 2020-2021 an amount not to
 27 exceed \$8,000,000.00, **and from the federal funds allocated under**
 28 **subsection (1), there is allocated for 2020-2021 an amount not to**
 29 **exceed \$20,000,000.00**, to support primary health care services

1 provided to children and adolescents up to age 21. These funds must
2 be expended in a form and manner determined jointly by the
3 department and the department of health and human services. If any
4 funds allocated under this subsection are not used for the purposes
5 of this subsection for the fiscal year in which they are allocated,
6 those unused funds must be used that fiscal year to avoid or
7 minimize any proration that would otherwise be required under
8 subsection (14) for that fiscal year.

9 (8) From the ~~funds~~ **state school aid fund money** allocated under
10 subsection (1), there is allocated for 2020-2021 an amount not to
11 exceed \$5,150,000.00 for the state portion of the hearing and
12 vision screenings as described in section 9301 of the public health
13 code, 1978 PA 368, MCL 333.9301. A local public health department
14 shall pay at least 50% of the total cost of the screenings. The
15 frequency of the screenings must be as required under R 325.13091
16 to R 325.13096 and R 325.3271 to R 325.3276 of the Michigan
17 Administrative Code. Funds must be awarded in a form and manner
18 approved jointly by the department and the department of health and
19 human services. Notwithstanding section 17b, the department shall
20 make payments to eligible entities under this subsection on a
21 schedule determined by the department.

22 (9) Each district or public school academy receiving funds
23 under this section shall submit to the department by July 15 of
24 each fiscal year a report, in the form and manner prescribed by the
25 department, that includes a brief description of each program
26 conducted or services performed by the district or public school
27 academy using funds under this section, the amount of funds under
28 this section allocated to each of those programs or services, the
29 total number of at risk pupils served by each of those programs or

1 services, and the data necessary for the department and the
2 department of health and human services to verify matching funds
3 for the temporary assistance for needy families program. In
4 prescribing the form and manner of the report, the department shall
5 ensure that districts are allowed to expend funds received under
6 this section on any activities that are permissible under this
7 section. If a district or public school academy does not comply
8 with this subsection, the department shall withhold an amount equal
9 to the August payment due under this section until the district or
10 public school academy complies with this subsection. If the
11 district or public school academy does not comply with this
12 subsection by the end of the fiscal year, the withheld funds are
13 forfeited to the school aid fund.

14 (10) In order to receive funds under this section, a district
15 or public school academy must allow access for the department or
16 the department's designee to audit all records related to the
17 program for which it receives those funds. The district or public
18 school academy shall reimburse the state for all disallowances
19 found in the audit.

20 (11) Subject to subsections (6), (7), and (8), for schools in
21 which more than 40% of pupils are identified as at-risk, a district
22 or public school academy may use the funds it receives under this
23 section to implement tier 1, evidence-based practices in schoolwide
24 reforms that are guided by the district's comprehensive needs
25 assessment and are included in the district improvement plan.
26 Schoolwide reforms must include parent and community supports,
27 activities, and services, that may include the pathways to
28 potential program created by the department of health and human
29 services or the communities in schools program. As used in this

1 subsection, "tier 1, evidence-based practices" means research based
2 instruction and classroom interventions that are available to all
3 learners and effectively meet the needs of most pupils.

4 (12) A district or public school academy that receives funds
5 under this section may use up to 7.5% of those funds to provide
6 research based professional development and to implement a coaching
7 model that supports the multi-tiered system of supports framework.
8 Professional development may be provided to district and school
9 leadership and teachers and must be aligned to professional
10 learning standards; integrated into district, school building, and
11 classroom practices; and solely related to the following:

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

15 (b) Implementing section 1280f of the revised school code, MCL
16 380.1280f, as required under subsection (3), with fidelity.

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

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

26 (15) If a district is dissolved pursuant to section 12 of the
27 revised school code, MCL 380.12, the intermediate district to which
28 the dissolved district was constituent shall determine the
29 estimated number of pupils that are economically disadvantaged and

1 that are enrolled in each of the other districts within the
2 intermediate district and provide that estimate to the department
3 for the purposes of distributing funds under this section within 60
4 days after the district is declared dissolved.

5 (16) From the ~~funds~~**state school aid fund money** allocated
6 under subsection (1), there is allocated for 2020-2021 an amount
7 not to exceed \$12,000,000.00 for payments to districts and public
8 school academies that otherwise received an allocation under this
9 subsection for 2019-2020 and whose allocation under this section
10 for 2019-2020, excluding any payments under subsection (7) or (8),
11 would have been more than the district's or public school academy's
12 allocation under this section for 2020-2021 as calculated under
13 subsection (4) only and as adjusted under subsection (14). The
14 allocation for each district or public school academy under this
15 subsection is an amount equal to its allocation under this section
16 for 2019-2020 minus its allocation as otherwise calculated under
17 subsection (4) for 2020-2021, as adjusted by subsection (14), using
18 in those calculations the 2017-2018 number of pupils determined to
19 be economically disadvantaged. However, if the allocation as
20 otherwise calculated under this subsection would have been less
21 than \$0.00, the allocation under this subsection is \$0.00. If
22 necessary, and before any proration required under section 296, the
23 department shall prorate payments under this subsection by reducing
24 the amount of the allocation as otherwise calculated under this
25 subsection by an equal percentage per district or public school
26 academy. Any unexpended funds under this subsection are to be
27 distributed through payments made under subsection (4) as provided
28 under subsection (4), but those funds must not be factored into
29 calculating payments under this subsection.

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

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

10 (19) As used in this section:

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

14 (i) The pupil is economically disadvantaged.

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

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

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

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

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

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

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

27 (ix) For pupils for whom the results of the state summative
28 assessment have been received, is a pupil who did not achieve
29 proficiency on the English language arts, mathematics, science, or

1 social studies content area assessment.

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

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

13 (c) "English language learner" means limited English
14 proficient pupils who speak a language other than English as their
15 primary language and have difficulty speaking, reading, writing, or
16 understanding English as reported to the center.

17 (d) "Statewide weighted average foundation allowance" means
18 the number that is calculated by adding together the result of each
19 district's or public school academy's foundation allowance, not to
20 exceed the target foundation allowance for the current fiscal year,
21 or per-pupil payment calculated under section 20 multiplied by the
22 number of pupils in membership in that district or public school
23 academy, and then dividing that total by the statewide number of
24 pupils in membership.

25 **Sec. 201d. In addition to the funds appropriated in section**
26 **201, the following are appropriated for the fiscal year ending**
27 **September 30, 2021 from the federal funding awarded to this state**
28 **from the elementary and secondary school emergency relief (ESSER)**
29 **fund under the American rescue plan act of 2021, title II, subtitle**

1 A, part 1 of Public Law 117-2:

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

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

- 11 (i) Alpena Community College, \$42,800.00.
- 12 (ii) Bay de Noc Community College, \$66,800.00.
- 13 (iii) Delta College, \$183,700.00.
- 14 (iv) Glen Oaks Community College, \$28,100.00.
- 15 (v) Gogebic Community College, \$20,500.00.
- 16 (vi) Grand Rapids Community College, \$0.00.
- 17 (vii) Henry Ford College, \$294,500.00.
- 18 (viii) Jackson College, \$134,300.00.
- 19 (ix) Kalamazoo Valley Community College, \$192,100.00.
- 20 (x) Kellogg Community College, \$137,700.00.
- 21 (xi) Kirtland Community College, \$40,400.00.
- 22 (xii) Lake Michigan College, \$58,000.00.
- 23 (xiii) Lansing Community College, \$350,600.00.
- 24 (xiv) Macomb Community College, \$548,700.00.
- 25 (xv) Mid Michigan College, \$81,500.00.
- 26 (xvi) Monroe County Community College, \$81,000.00.
- 27 (xvii) Montcalm Community College, \$46,300.00.
- 28 (xviii) Mott Community College, \$163,800.00.

- 1 **(xix) Muskegon Community College, \$100,800.00.**
2 **(xx) North Central Michigan College, \$58,800.00.**
3 **(xxi) Northwestern Michigan College, \$152,400.00.**
4 **(xxii) Oakland Community College, \$486,800.00.**
5 **(xxiii) Schoolcraft College, \$410,000.00.**
6 **(xxiv) Southwestern Michigan College, \$44,000.00.**
7 **(xxv) St. Clair County Community College, \$80,000.00.**
8 **(xxvi) Washtenaw Community College, \$388,900.00.**
9 **(xxvii) Wayne County Community College, \$781,000.00.**
10 **(xxviii) West Shore Community College, \$26,500.00.**

11 Enacting section 1. (1) In accordance with section 30 of
12 article IX of the state constitution of 1963, total state spending
13 on school aid under article I of the state school aid act of 1979,
14 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 165,
15 2021 PA 3, and this amendatory act, from state sources for fiscal
16 year 2020-2021 is estimated at \$13,888,484,200.00 and state
17 appropriations for school aid to be paid to local units of
18 government for fiscal year 2020-2021 are estimated at
19 \$13,716,487,100.00.

20 (2) In accordance with section 30 of article IX of the state
21 constitution of 1963, total state spending on school aid under
22 article II of the state school aid act of 1979, 1979 PA 94, MCL
23 388.1801 to 388.1830, as amended by 2020 PA 165 and this amendatory
24 act, from state sources for fiscal year 2020-2021 is estimated at
25 \$425,667,600.00 and state appropriations for school aid to be paid
26 to local units of government for fiscal year 2020-2021 are
27 estimated at \$425,667,600.00.