

# SENATE BILL NO. 365

April 15, 2021, Introduced by Senators BAYER, POLEHANKI, IRWIN, MCCANN, BULLOCK, HERTEL, ALEXANDER, MOSS, HOLLIER, SANTANA and WOJNO and referred to the Committee on Appropriations.

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending section 11r (MCL 388.1611r), as added by 2021 PA 3.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 11r. (1) From the federal fund money allocated under  
2 section 11n, there is allocated for 2020-2021 an amount not to  
3 exceed ~~\$1,493,410,500.00~~ **\$1,498,959,000.00** from the federal funding  
4 awarded to this state from the elementary and secondary school  
5 emergency relief (ESSER) fund under the coronavirus response and

1 relief supplemental appropriations act, 2021, division M of Public  
 2 Law 116-260, and from the state school aid fund money appropriated  
 3 under section 11, there is allocated \$136,000,000.00 for the  
 4 purposes of this section.

5 (2) From the federal funds allocated under subsection (1),  
 6 ~~\$650,000,000.00~~ **\$1,496,226,000.00** is allocated for payments to  
 7 districts as provided under this subsection. From the funds  
 8 allocated in this subsection, the department shall pay each  
 9 district in proportion to the amount of funds the district received  
 10 under part A of title I of the elementary and secondary education  
 11 act of 1965, Public Law 103-382, in the most recent fiscal year.  
 12 The funding under this subsection is a portion of the funding that  
 13 is designated as subgrants to local educational agencies as  
 14 provided under section 313(c) of the coronavirus response and  
 15 relief supplemental appropriations act, 2021, division M of Public  
 16 Law 116-260.

17 ~~(3) Except as otherwise provided in this subsection, from the~~  
 18 ~~federal funds allocated under subsection (1), \$840,677,500.00 is~~  
 19 ~~allocated for payments to districts as provided under this~~  
 20 ~~subsection. From the funds allocated in this subsection, the~~  
 21 ~~department shall pay each district in proportion to the amount of~~  
 22 ~~funds the district received under part A of title I of the~~  
 23 ~~elementary and secondary education act of 1965, Public Law 103-382,~~  
 24 ~~in the most recent fiscal year. The funding under this subsection~~  
 25 ~~is a portion of the funding that is designated as subgrants to~~  
 26 ~~local educational agencies as provided under section 313(c) of the~~  
 27 ~~coronavirus response and relief supplemental appropriations act,~~  
 28 ~~2021, division M of Public Law 116-260. The funds allocated in this~~  
 29 ~~subsection must not be paid or otherwise distributed to districts~~

1 ~~as provided for under this subsection unless House Bill No. 4049 of~~  
 2 ~~the 101st Legislature is enacted into law and takes effect within~~  
 3 ~~14 days after House Bill No. 4049 is presented to the governor.~~

4 (3) ~~(4)~~ From the state school aid fund money allocated under  
 5 subsection (1), there is allocated \$136,000,000.00 to eligible  
 6 districts as provided in this subsection. The department shall pay  
 7 each eligible district under this subsection an amount equal to the  
 8 product of the district's 2020-2021 pupils in membership multiplied  
 9 by the difference between \$450.00 and the district's ESSER formula  
 10 payment per pupil. A district ~~to which all of the following apply~~  
 11 **that has an ESSER formula payment per pupil that is less than**  
 12 **\$450.00** is an eligible district under this subsection. ÷

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

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

1 ~~school building designated by the district in which he or she is~~  
2 ~~enrolled.~~

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

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

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

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

29 ~~(6) (7)~~—From the federal funds allocated under subsection (1),

1 there is allocated \$2,733,000.00 to the department for  
2 administrative costs in implementing this section.

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