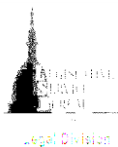


**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5913**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 6, 6a, 11p, 104, 201c, and 236g (MCL 388.1606,
388.1606a, 388.1611p, 388.1704, 388.1801c, and 388.1836g), sections
6 and 104 as amended by 2020 PA 146, section 6a as amended by 2007
PA 137, and sections 11p, 201c, and 236g as added by 2020 PA 146,
and by adding section 98a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Center program" means a program operated by a
2 district or by an intermediate district for special education
3 pupils from several districts in programs for pupils with autism
4 spectrum disorder, pupils with severe cognitive impairment, pupils
5 with moderate cognitive impairment, pupils with severe multiple



1 impairments, pupils with hearing impairment, pupils with visual
2 impairment, and pupils with physical impairment or other health
3 impairment. Programs for pupils with emotional impairment housed in
4 buildings that do not serve regular education pupils also qualify.
5 Unless otherwise approved by the department, a center program
6 either serves all constituent districts within an intermediate
7 district or serves several districts with less than 50% of the
8 pupils residing in the operating district. In addition, special
9 education center program pupils placed part-time in noncenter
10 programs to comply with the least restrictive environment
11 provisions of section 1412 of the individuals with disabilities
12 education act, 20 USC 1412, may be considered center program pupils
13 for pupil accounting purposes for the time scheduled in either a
14 center program or a noncenter program.

15 (2) "District and high school graduation rate" means the
16 annual completion and pupil dropout rate that is calculated by the
17 center pursuant to nationally recognized standards.

18 (3) "District and high school graduation report" means a
19 report of the number of pupils, excluding adult education
20 participants, in the district for the immediately preceding school
21 year, adjusted for those pupils who have transferred into or out of
22 the district or high school, who leave high school with a diploma
23 or other credential of equal status.

24 (4) "Membership", except as otherwise provided in this
25 **subsection and this** article, means for a district, a public school
26 academy, or an intermediate district the sum of the product of .90
27 times the number of full-time equated pupils in grades K to 12
28 actually enrolled and in regular daily attendance **in the district,**
29 **public school academy, or intermediate district** on the pupil



1 membership count day for the current school year, plus the product
 2 of .10 times the final audited count from the supplemental count
 3 day of **full-time equated pupils in grades K to 12 actually enrolled**
 4 **and in regular daily attendance in the district, public school**
 5 **academy, or intermediate district** for the immediately preceding
 6 school year. A district's, public school academy's, or intermediate
 7 district's membership is adjusted as provided under section 25e for
 8 pupils who enroll after the pupil membership count day in a strict
 9 discipline academy operating under sections 1311b to 1311m of the
 10 revised school code, MCL 380.1311b to 380.1311m. However, **except as**
 11 **otherwise provided in this subsection,** for ~~a district that is a~~
 12 community district, ~~"membership"~~ **membership** means the sum of the
 13 product of .90 times the number of full-time equated pupils in
 14 grades K to 12 actually enrolled and in regular daily attendance in
 15 the community district on the pupil membership count day for the
 16 current school year, plus the product of .10 times ~~the sum of the~~
 17 final audited count from the supplemental count day of **full-time**
 18 **equated** pupils in grades K to 12 actually enrolled and in regular
 19 daily attendance in the community district for the immediately
 20 preceding school year. **For 2020-2021 only, membership means for a**
 21 **district, a public school academy, an intermediate district, or a**
 22 **community district, the sum of the product of .75 times the**
 23 **district's, public school academy's, intermediate district's, or**
 24 **community district's 2019-2020 membership as calculated under this**
 25 **section in 2019-2020 and the product of .25 times [the sum of (the**
 26 **product of .90 times the number of full-time equated pupils engaged**
 27 **in pandemic learning for fall 2020 or, for a public school academy**
 28 **that operates as a cyber school, as that term is defined in section**
 29 **551 of the revised school code, MCL 380.551, the number of full-**



1 time equated pupils in grades K to 12 actually enrolled and in
2 regular daily attendance in the public school academy on pupil
3 membership count day) and (the product of .10 times the final
4 audited count from the supplemental count day of full-time equated
5 pupils in grades K to 12 actually enrolled and in regular daily
6 attendance in the district, public school academy, intermediate
7 district, or community district for the immediately preceding
8 school year)]. All pupil counts used in this subsection are as
9 determined by the department and calculated by adding the number of
10 pupils registered for attendance plus pupils received by transfer
11 and minus pupils lost as defined by rules promulgated by the
12 superintendent, and as corrected by a subsequent department audit.
13 The amount of the foundation allowance for a pupil in membership is
14 determined under section 20. In making the calculation of
15 membership, all of the following, as applicable, apply to
16 determining the membership of a district, a public school academy,
17 or an intermediate district:

18 (a) Except as otherwise provided in this subsection, and
19 pursuant to subsection (6), a pupil is counted in membership in the
20 pupil's educating district or districts. An individual pupil shall
21 not be counted for more than a total of 1.0 full-time equated
22 membership.

23 (b) If a pupil is educated in a district other than the
24 pupil's district of residence, if the pupil is not being educated
25 as part of a cooperative education program, if the pupil's district
26 of residence does not give the educating district its approval to
27 count the pupil in membership in the educating district, and if the
28 pupil is not covered by an exception specified in subsection (6) to
29 the requirement that the educating district must have the approval



1 of the pupil's district of residence to count the pupil in
2 membership, the pupil is not counted in membership in any district.

3 (c) A special education pupil educated by the intermediate
4 district is counted in membership in the intermediate district.

5 (d) A pupil placed by a court or state agency in an on-grounds
6 program of a juvenile detention facility, a child caring
7 institution, or a mental health institution, or a pupil funded
8 under section 53a, is counted in membership in the district or
9 intermediate district approved by the department to operate the
10 program.

11 (e) A pupil enrolled in the Michigan Schools for the Deaf and
12 Blind is counted in membership in the pupil's intermediate district
13 of residence.

14 (f) A pupil enrolled in a career and technical education
15 program supported by a millage levied over an area larger than a
16 single district or in an area vocational-technical education
17 program established under section 690 of the revised school code,
18 MCL 380.690, is counted in membership only in the pupil's district
19 of residence.

20 (g) A pupil enrolled in a public school academy is counted in
21 membership in the public school academy.

22 (h) For the purposes of this section and section 6a, for a
23 cyber school, as **that term is** defined in section 551 of the revised
24 school code, MCL 380.551, that is in compliance with section 553a
25 of the revised school code, MCL 380.553a, a pupil's participation
26 in the cyber school's educational program is considered regular
27 daily attendance, and for a district or public school academy, a
28 pupil's participation in a virtual course as **that term is** defined
29 in section 21f is considered regular daily attendance. For the



1 purposes of this subdivision, for a pupil enrolled in a cyber
2 school and utilizing sequential learning, participation means that
3 term as defined in the pupil accounting manual, section 5-o-d:
4 requirements for counting pupils in membership-subsection 10.

5 (i) For a new district or public school academy beginning its
6 operation after December 31, 1994, membership for the first 2 full
7 or partial fiscal years of operation is determined as follows:

8 (i) ~~If~~ **Except as otherwise provided in this subparagraph, if**
9 operations begin before the pupil membership count day for the
10 fiscal year, membership is the average number of full-time equated
11 pupils in grades K to 12 actually enrolled and in regular daily
12 attendance on the pupil membership count day for the current school
13 year and on the supplemental count day for the current school year,
14 as determined by the department and calculated by adding the number
15 of pupils registered for attendance on the pupil membership count
16 day plus pupils received by transfer and minus pupils lost as
17 defined by rules promulgated by the superintendent, and as
18 corrected by a subsequent department audit, plus the final audited
19 count from the supplemental count day for the current school year,
20 and dividing that sum by 2. **However, for 2020-2021 only, if**
21 **operations begin before the pupil membership count day for the**
22 **fiscal year, except for a public school academy that operates as a**
23 **cyber school, as that term is defined in section 551 of the revised**
24 **school code, MCL 380.551, membership is the average number of full-**
25 **time equated pupils engaged in pandemic learning for fall 2020 and**
26 **full-time equated pupils engaged in pandemic learning for spring**
27 **2021, as that term is defined in section 6a, as determined by the**
28 **department and calculated by adding the number of pupils registered**
29 **for attendance on the pupil membership count day plus pupils**



1 received by transfer and minus pupils lost as defined by rules
2 promulgated by the superintendent, and as corrected by a subsequent
3 department audit, plus the final audited count from the
4 supplemental count day for the current school year, and dividing
5 that sum by 2.

6 (ii) If operations begin after the pupil membership count day
7 for the fiscal year and not later than the supplemental count day
8 for the fiscal year, membership is the final audited count of the
9 number of full-time equated pupils in grades K to 12 actually
10 enrolled and in regular daily attendance on the supplemental count
11 day for the current school year, **but, for 2020-2021 only, except**
12 **for a public school academy that operates as a cyber school, as**
13 **that term is defined in section 551 of the revised school code, MCL**
14 **380.551, membership is the final audited count of the number of**
15 **full-time equated pupils engaged in pandemic learning for spring**
16 **2021, as that term is defined in section 6a.**

17 (j) If a district is the authorizing body for a public school
18 academy, then, in the first school year in which pupils are counted
19 in membership on the pupil membership count day in the public
20 school academy, the determination of the district's membership
21 excludes from the district's pupil count for the immediately
22 preceding supplemental count day any pupils who are counted in the
23 public school academy on that first pupil membership count day who
24 were also counted in the district on the immediately preceding
25 supplemental count day.

26 (k) For an extended school year program approved by the
27 superintendent, a pupil enrolled, but not scheduled to be in
28 regular daily attendance, on a pupil membership count day, is
29 counted in membership.



(l) To be counted in membership, a pupil must meet the minimum age requirement to be eligible to attend school under section 1147 of the revised school code, MCL 380.1147, or must be enrolled under subsection (3) of that section, and must be less than 20 years of age on September 1 of the school year except as follows:

(i) A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year is counted in membership.

(ii) A pupil who is determined by the department to meet all of the following may be counted in membership:

(A) Is enrolled in a public school academy or an alternative education high school diploma program, that is primarily focused on educating pupils with extreme barriers to education, such as being homeless as defined under 42 USC 11302.

(B) Had dropped out of school.

(C) Is less than 22 years of age as of September 1 of the current school year.

(iii) If a child does not meet the minimum age requirement to be eligible to attend school for that school year under section 1147 of the revised school code, MCL 380.1147, but will be 5 years of age not later than December 1 of that school year, the district may count the child in membership for that school year if the parent or legal guardian has notified the district in writing that he or she intends to enroll the child in kindergarten for that school year.

(m) An individual who has achieved a high school diploma is not counted in membership. An individual who has achieved a high school equivalency certificate is not counted in membership unless



1 the individual is a student with a disability as **that term is**
2 defined in R 340.1702 of the Michigan Administrative Code. An
3 individual participating in a job training program funded under
4 former section 107a or a jobs program funded under former section
5 107b, administered by the department of labor and economic
6 opportunity, or participating in any successor of either of those 2
7 programs, is not counted in membership.

8 (n) If a pupil counted in membership in a public school
9 academy is also educated by a district or intermediate district as
10 part of a cooperative education program, the pupil is counted in
11 membership only in the public school academy unless a written
12 agreement signed by all parties designates the party or parties in
13 which the pupil is counted in membership, and the instructional
14 time scheduled for the pupil in the district or intermediate
15 district is included in the full-time equated membership
16 determination under subdivision (q) and section 101. However, for
17 pupils receiving instruction in both a public school academy and in
18 a district or intermediate district but not as a part of a
19 cooperative education program, the following apply:

20 (i) If the public school academy provides instruction for at
21 least 1/2 of the class hours required under section 101, the public
22 school academy receives as its prorated share of the full-time
23 equated membership for each of those pupils an amount equal to 1
24 times the product of the hours of instruction the public school
25 academy provides divided by the number of hours required under
26 section 101 for full-time equivalency, and the remainder of the
27 full-time membership for each of those pupils is allocated to the
28 district or intermediate district providing the remainder of the
29 hours of instruction.



1 (ii) If the public school academy provides instruction for less
2 than 1/2 of the class hours required under section 101, the
3 district or intermediate district providing the remainder of the
4 hours of instruction receives as its prorated share of the full-
5 time equated membership for each of those pupils an amount equal to
6 1 times the product of the hours of instruction the district or
7 intermediate district provides divided by the number of hours
8 required under section 101 for full-time equivalency, and the
9 remainder of the full-time membership for each of those pupils is
10 allocated to the public school academy.

11 (o) An individual less than 16 years of age as of September 1
12 of the current school year who is being educated in an alternative
13 education program is not counted in membership if there are also
14 adult education participants being educated in the same program or
15 classroom.

16 (p) The department shall give a uniform interpretation of
17 full-time and part-time memberships.

18 (q) The number of class hours used to calculate full-time
19 equated memberships must be consistent with section 101. In
20 determining full-time equated memberships for pupils who are
21 enrolled in a postsecondary institution or for pupils engaged in an
22 internship or work experience under section 1279h of the revised
23 school code, MCL 380.1279h, a pupil is not considered to be less
24 than a full-time equated pupil solely because of the effect of his
25 or her postsecondary enrollment or engagement in the internship or
26 work experience, including necessary travel time, on the number of
27 class hours provided by the district to the pupil.

28 (r) Full-time equated memberships for pupils in kindergarten
29 are determined by dividing the number of instructional hours



1 scheduled and provided per year per kindergarten pupil by the same
2 number used for determining full-time equated memberships for
3 pupils in grades 1 to 12. However, to the extent allowable under
4 federal law, for a district or public school academy that provides
5 evidence satisfactory to the department that it used federal title
6 I money in the 2 immediately preceding school fiscal years to fund
7 full-time kindergarten, full-time equated memberships for pupils in
8 kindergarten are determined by dividing the number of class hours
9 scheduled and provided per year per kindergarten pupil by a number
10 equal to 1/2 the number used for determining full-time equated
11 memberships for pupils in grades 1 to 12. The change in the
12 counting of full-time equated memberships for pupils in
13 kindergarten that took effect for 2012-2013 is not a mandate.

14 (s) For a district or a public school academy that has pupils
15 enrolled in a grade level that was not offered by the district or
16 public school academy in the immediately preceding school year, the
17 number of pupils enrolled in that grade level to be counted in
18 membership is the average of the number of those pupils enrolled
19 and in regular daily attendance on the pupil membership count day
20 and the supplemental count day of the current school year, **but, for**
21 **2020-2021 only, except for a public school academy that operates as**
22 **a cyber school, as that term is defined in section 551 of the**
23 **revised school code, MCL 380.551, the number of pupils enrolled in**
24 **that grade level to be counted in membership is the average of the**
25 **number of those pupils engaged in pandemic learning for fall 2020**
26 **and the number of those pupils engaged in pandemic learning for**
27 **spring 2021, as that term is defined in section 6a, as determined**
28 by the department. Membership is calculated by adding the number of
29 pupils registered for attendance in that grade level on the pupil



1 membership count day plus pupils received by transfer and minus
2 pupils lost as defined by rules promulgated by the superintendent,
3 and as corrected by subsequent department audit, plus the final
4 audited count from the supplemental count day for the current
5 school year, and dividing that sum by 2.

6 (t) A pupil enrolled in a cooperative education program may be
7 counted in membership in the pupil's district of residence with the
8 written approval of all parties to the cooperative agreement.

9 (u) If, as a result of a disciplinary action, a district
10 determines through the district's alternative or disciplinary
11 education program that the best instructional placement for a pupil
12 is in the pupil's home or otherwise apart from the general school
13 population, if that placement is authorized in writing by the
14 district superintendent and district alternative or disciplinary
15 education supervisor, and if the district provides appropriate
16 instruction as described in this subdivision to the pupil at the
17 pupil's home or otherwise apart from the general school population,
18 the district may count the pupil in membership on a pro rata basis,
19 with the proration based on the number of hours of instruction the
20 district actually provides to the pupil divided by the number of
21 hours required under section 101 for full-time equivalency. For the
22 purposes of this subdivision, a district is considered to be
23 providing appropriate instruction if all of the following are met:

24 (i) The district provides at least 2 nonconsecutive hours of
25 instruction per week to the pupil at the pupil's home or otherwise
26 apart from the general school population under the supervision of a
27 certificated teacher.

28 (ii) The district provides instructional materials, resources,
29 and supplies that are comparable to those otherwise provided in the



1 district's alternative education program.

2 (iii) Course content is comparable to that in the district's
3 alternative education program.

4 (iv) Credit earned is awarded to the pupil and placed on the
5 pupil's transcript.

6 (v) If a pupil was enrolled in a public school academy on the
7 pupil membership count day, if the public school academy's contract
8 with its authorizing body is revoked or the public school academy
9 otherwise ceases to operate, and if the pupil enrolls in a district
10 within 45 days after the pupil membership count day, the department
11 shall adjust the district's pupil count for the pupil membership
12 count day to include the pupil in the count.

13 (w) For a public school academy that has been in operation for
14 at least 2 years and that suspended operations for at least 1
15 semester and is resuming operations, membership is the sum of the
16 product of .90 times the number of full-time equated pupils in
17 grades K to 12 actually enrolled and in regular daily attendance on
18 the first pupil membership count day or supplemental count day,
19 whichever is first, occurring after operations resume, **plus the**
20 **product of .10 times the final audited count from the most recent**
21 **pupil membership count day or supplemental count day that occurred**
22 **before suspending operations, as determined by the superintendent,**
23 **but, for 2020-2021 only, except for a public school academy that**
24 **operates as a cyber school, as that term is defined in section 551**
25 **of the revised school code, MCL 380.551, membership is the sum of**
26 **the product of .90 times the number of full-time equated pupils**
27 **engaged in pandemic learning for fall 2020 or the number of full-**
28 **time equated pupils engaged in pandemic learning for spring 2021,**
29 **as that term is defined in section 6a, whichever applies first**



1 **after operations resume**, plus the product of .10 times the final
2 audited count from the most recent pupil membership count day or
3 supplemental count day that occurred before suspending operations,
4 as determined by the superintendent.

5 (x) If a district's membership for a particular fiscal year,
6 as otherwise calculated under this subsection, would be less than
7 1,550 pupils and the district has 4.5 or fewer pupils per square
8 mile, as determined by the department, and if the district does not
9 receive funding under section 22d(2), the district's membership is
10 considered to be the membership figure calculated under this
11 subdivision. If a district educates and counts in its membership
12 pupils in grades 9 to 12 who reside in a contiguous district that
13 does not operate grades 9 to 12 and if 1 or both of the affected
14 districts request the department to use the determination allowed
15 under this sentence, the department shall include the square
16 mileage of both districts in determining the number of pupils per
17 square mile for each of the districts for the purposes of this
18 subdivision. The membership figure calculated under this
19 subdivision is the greater of the following:

20 (i) The average of the district's membership for the 3-fiscal-
21 year period ending with that fiscal year, calculated by adding the
22 district's actual membership for each of those 3 fiscal years, as
23 otherwise calculated under this subsection, and dividing the sum of
24 those 3 membership figures by 3.

25 (ii) The district's actual membership for that fiscal year as
26 otherwise calculated under this subsection.

27 (y) Full-time equated memberships for special education pupils
28 who are not enrolled in kindergarten but are enrolled in a
29 classroom program under R 340.1754 of the Michigan Administrative



1 Code are determined by dividing the number of class hours scheduled
2 and provided per year by 450. Full-time equated memberships for
3 special education pupils who are not enrolled in kindergarten but
4 are receiving early childhood special education services under R
5 340.1755 or R 340.1862 of the Michigan Administrative Code are
6 determined by dividing the number of hours of service scheduled and
7 provided per year per-pupil by 180.

8 (z) A pupil of a district that begins its school year after
9 Labor Day who is enrolled in an intermediate district program that
10 begins before Labor Day is not considered to be less than a full-
11 time pupil solely due to instructional time scheduled but not
12 attended by the pupil before Labor Day.

13 (aa) For the first year in which a pupil is counted in
14 membership on the pupil membership count day in a middle college
15 program, the membership is the average of the full-time equated
16 membership on the pupil membership count day and on the
17 supplemental count day for the current school year, as determined
18 by the department. If a pupil described in this subdivision was
19 counted in membership by the operating district on the immediately
20 preceding supplemental count day, the pupil is excluded from the
21 district's immediately preceding supplemental count for the
22 purposes of determining the district's membership.

23 (bb) A district or public school academy that educates a pupil
24 who attends a United States Olympic Education Center may count the
25 pupil in membership regardless of whether or not the pupil is a
26 resident of this state.

27 (cc) A pupil enrolled in a district other than the pupil's
28 district of residence under section 1148(2) of the revised school
29 code, MCL 380.1148, is counted in the educating district.



(dd) For a pupil enrolled in a dropout recovery program that meets the requirements of section 23a, the pupil is counted as 1/12 of a full-time equated membership for each month that the district operating the program reports that the pupil was enrolled in the program and was in full attendance. However, if the special membership counting provisions under this subdivision and the operation of the other membership counting provisions under this subsection result in a pupil being counted as more than 1.0 FTE in a fiscal year, the payment made for the pupil under sections 22a and 22b must not be based on more than 1.0 FTE for that pupil, and any portion of an FTE for that pupil that exceeds 1.0 is instead paid under section 25g. The district operating the program shall report to the center the number of pupils who were enrolled in the program and were in full attendance for a month not later than 30 days after the end of the month. A district shall not report a pupil as being in full attendance for a month unless both of the following are met:

(i) A personalized learning plan is in place on or before the first school day of the month for the first month the pupil participates in the program.

(ii) The pupil meets the district's definition under section 23a of satisfactory monthly progress for that month or, if the pupil does not meet that definition of satisfactory monthly progress for that month, the pupil did meet that definition of satisfactory monthly progress in the immediately preceding month and appropriate interventions are implemented within 10 school days after it is determined that the pupil does not meet that definition of satisfactory monthly progress.

(ee) A pupil participating in a virtual course under section



21f is counted in membership in the district enrolling the pupil.

(ff) If a public school academy that is not in its first or second year of operation closes at the end of a school year and does not reopen for the next school year, the department shall adjust the membership count of the district or other public school academy in which a former pupil of the closed public school academy enrolls and is in regular daily attendance for the next school year to ensure that the district or other public school academy receives the same amount of membership aid for the pupil as if the pupil were counted in the district or other public school academy on the supplemental count day of the preceding school year.

(gg) If a special education pupil is expelled under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, and is not in attendance on the pupil membership count day because of the expulsion, and if the pupil remains enrolled in the district and resumes regular daily attendance during that school year, the district's membership is adjusted to count the pupil in membership as if he or she had been in attendance on the pupil membership count day.

(hh) A pupil enrolled in a community district is counted in membership in the community district.

(ii) A part-time pupil enrolled in a nonpublic school in grades K to 12 in accordance with section 166b shall not be counted as more than 0.75 of a full-time equated membership.

(jj) A district that borders another state or a public school academy that operates at least grades 9 to 12 and is located within 20 miles of a border with another state may count in membership a pupil who is enrolled in a course at a college or university that is located in the bordering state and within 20 miles of the border



1 with this state if all of the following are met:

2 (i) The pupil would meet the definition of an eligible student
3 under the postsecondary enrollment options act, 1996 PA 160, MCL
4 388.511 to 388.524, if the course were an eligible course under
5 that act.

6 (ii) The course in which the pupil is enrolled would meet the
7 definition of an eligible course under the postsecondary enrollment
8 options act, 1996 PA 160, MCL 388.511 to 388.524, if the course
9 were provided by an eligible postsecondary institution under that
10 act.

11 (iii) The department determines that the college or university
12 is an institution that, in the other state, fulfills a function
13 comparable to a state university or community college, as those
14 terms are defined in section 3 of the postsecondary enrollment
15 options act, 1996 PA 160, MCL 388.513, or is an independent
16 nonprofit degree-granting college or university.

17 (iv) The district or public school academy pays for a portion
18 of the pupil's tuition at the college or university in an amount
19 equal to the eligible charges that the district or public school
20 academy would pay to an eligible postsecondary institution under
21 the postsecondary enrollment options act, 1996 PA 160, MCL 388.511
22 to 388.524, as if the course were an eligible course under that
23 act.

24 (v) The district or public school academy awards high school
25 credit to a pupil who successfully completes a course as described
26 in this subdivision.

27 (kk) A pupil enrolled in a middle college program may be
28 counted for more than a total of 1.0 full-time equated membership
29 if the pupil is enrolled in more than the minimum number of



1 instructional days and hours required under section 101 and the
2 pupil is expected to complete the 5-year program with both a high
3 school diploma and at least 60 transferable college credits or is
4 expected to earn an associate's degree in fewer than 5 years.

5 (II) If a district's or public school academy's membership for
6 a particular fiscal year, as otherwise calculated under this
7 subsection, includes pupils counted in membership who are enrolled
8 under section 166b, all of the following apply for the purposes of
9 this subdivision:

10 (i) If the district's or public school academy's membership for
11 pupils counted under section 166b equals or exceeds 5% of the
12 district's or public school academy's membership for pupils not
13 counted in membership under section 166b in the immediately
14 preceding fiscal year, then the growth in the district's or public
15 school academy's membership for pupils counted under section 166b
16 must not exceed 10%.

17 (ii) If the district's or public school academy's membership
18 for pupils counted under section 166b is less than 5% of the
19 district's or public school academy's membership for pupils not
20 counted in membership under section 166b in the immediately
21 preceding fiscal year, then the district's or public school
22 academy's membership for pupils counted under section 166b must not
23 exceed the greater of the following:

24 (A) 5% of the district's or public school academy's membership
25 for pupils not counted in membership under section 166b.

26 (B) 10% more than the district's or public school academy's
27 membership for pupils counted under section 166b in the immediately
28 preceding fiscal year.

29 (iii) If 1 or more districts consolidate or are parties to an



1 annexation, then the calculations under ~~subdivisions~~**subparagraphs**
2 (i) and (ii) must be applied to the combined total membership for
3 pupils counted in those districts for the fiscal year immediately
4 preceding the consolidation or annexation.

5 (5) "Public school academy" means that term as defined in
6 section 5 of the revised school code, MCL 380.5.

7 (6) "Pupil" means an individual in membership in a public
8 school. A district must have the approval of the pupil's district
9 of residence to count the pupil in membership, except approval by
10 the pupil's district of residence is not required for any of the
11 following:

12 (a) A nonpublic part-time pupil enrolled in grades K to 12 in
13 accordance with section 166b.

14 (b) A pupil receiving 1/2 or less of his or her instruction in
15 a district other than the pupil's district of residence.

16 (c) A pupil enrolled in a public school academy.

17 (d) A pupil enrolled in a district other than the pupil's
18 district of residence under an intermediate district schools of
19 choice pilot program as described in section 91a or former section
20 91 if the intermediate district and its constituent districts have
21 been exempted from section 105.

22 (e) A pupil enrolled in a district other than the pupil's
23 district of residence if the pupil is enrolled in accordance with
24 section 105 or 105c.

25 (f) A pupil who has made an official written complaint or
26 whose parent or legal guardian has made an official written
27 complaint to law enforcement officials and to school officials of
28 the pupil's district of residence that the pupil has been the
29 victim of a criminal sexual assault or other serious assault, if



1 the official complaint either indicates that the assault occurred
2 at school or that the assault was committed by 1 or more other
3 pupils enrolled in the school the pupil would otherwise attend in
4 the district of residence or by an employee of the district of
5 residence. A person who intentionally makes a false report of a
6 crime to law enforcement officials for the purposes of this
7 subdivision is subject to section 411a of the Michigan penal code,
8 1931 PA 328, MCL 750.411a, which provides criminal penalties for
9 that conduct. As used in this subdivision:

10 (i) "At school" means in a classroom, elsewhere on school
11 premises, on a school bus or other school-related vehicle, or at a
12 school-sponsored activity or event whether or not it is held on
13 school premises.

14 (ii) "Serious assault" means an act that constitutes a felony
15 violation of chapter XI of the Michigan penal code, 1931 PA 328,
16 MCL 750.81 to 750.90h, or that constitutes an assault and
17 infliction of serious or aggravated injury under section 81a of the
18 Michigan penal code, 1931 PA 328, MCL 750.81a.

19 (g) A pupil whose district of residence changed after the
20 pupil membership count day and before the supplemental count day
21 and who continues to be enrolled on the supplemental count day as a
22 nonresident in the district in which he or she was enrolled as a
23 resident on the pupil membership count day of the same school year.

24 (h) A pupil enrolled in an alternative education program
25 operated by a district other than his or her district of residence
26 who meets 1 or more of the following:

27 (i) The pupil has been suspended or expelled from his or her
28 district of residence for any reason, including, but not limited
29 to, a suspension or expulsion under section 1310, 1311, or 1311a of



1 the revised school code, MCL 380.1310, 380.1311, and 380.1311a.

2 (ii) The pupil had previously dropped out of school.

3 (iii) The pupil is pregnant or is a parent.

4 (iv) The pupil has been referred to the program by a court.

5 (i) A pupil enrolled in the Michigan Virtual School, for the
6 pupil's enrollment in the Michigan Virtual School.

7 (j) A pupil who is the child of a person who works at the
8 district or who is the child of a person who worked at the district
9 as of the time the pupil first enrolled in the district but who no
10 longer works at the district due to a workforce reduction. As used
11 in this subdivision, "child" includes an adopted child, stepchild,
12 or legal ward.

13 (k) An expelled pupil who has been denied reinstatement by the
14 expelling district and is reinstated by another school board under
15 section 1311 or 1311a of the revised school code, MCL 380.1311 and
16 380.1311a.

17 (l) A pupil enrolled in a district other than the pupil's
18 district of residence in a middle college program if the pupil's
19 district of residence and the enrolling district are both
20 constituent districts of the same intermediate district.

21 (m) A pupil enrolled in a district other than the pupil's
22 district of residence who attends a United States Olympic Education
23 Center.

24 (n) A pupil enrolled in a district other than the pupil's
25 district of residence ~~pursuant to~~ **under** section 1148(2) of the
26 revised school code, MCL 380.1148.

27 (o) A pupil who enrolls in a district other than the pupil's
28 district of residence as a result of the pupil's school not making
29 adequate yearly progress under the no child left behind act of



1 2001, Public Law 107-110, or the every student succeeds act, Public
2 Law 114-95.

3 However, if a district educates pupils who reside in another
4 district and if the primary instructional site for those pupils is
5 established by the educating district after 2009-2010 and is
6 located within the boundaries of that other district, the educating
7 district must have the approval of that other district to count
8 those pupils in membership.

9 (7) "Pupil membership count day" of a district or intermediate
10 district means:

11 (a) Except as provided in subdivision (b), the first Wednesday
12 in October each school year or, for a district or building in which
13 school is not in session on that Wednesday due to conditions not
14 within the control of school authorities, with the approval of the
15 superintendent, the immediately following day on which school is in
16 session in the district or building. **A district is considered to be**
17 **in session for purposes of this subdivision when the district is**
18 **providing pupil instruction pursuant to an extended COVID-19**
19 **learning plan approved under section 98a.**

20 (b) For a district or intermediate district maintaining school
21 during the entire school year, the following days:

- 22 (i) Fourth Wednesday in July.
- 23 (ii) First Wednesday in October.
- 24 (iii) Second Wednesday in February.
- 25 (iv) Fourth Wednesday in April.

26 (8) "Pupils in grades K to 12 actually enrolled and in regular
27 daily attendance" means pupils in grades K to 12 in attendance and
28 receiving instruction in all classes for which they are enrolled on
29 the pupil membership count day or the supplemental count day, as



1 applicable. Except as otherwise provided in this subsection, a
2 pupil who is absent from any of the classes in which the pupil is
3 enrolled on the pupil membership count day or supplemental count
4 day and who does not attend each of those classes during the 10
5 consecutive school days immediately following the pupil membership
6 count day or supplemental count day, except for a pupil who has
7 been excused by the district, is not counted as 1.0 full-time
8 equated membership. A pupil who is excused from attendance on the
9 pupil membership count day or supplemental count day and who fails
10 to attend each of the classes in which the pupil is enrolled within
11 30 calendar days after the pupil membership count day or
12 supplemental count day is not counted as 1.0 full-time equated
13 membership. In addition, a pupil who was enrolled and in attendance
14 in a district, intermediate district, or public school academy
15 before the pupil membership count day or supplemental count day of
16 a particular year but was expelled or suspended on the pupil
17 membership count day or supplemental count day is only counted as
18 1.0 full-time equated membership if the pupil resumed attendance in
19 the district, intermediate district, or public school academy
20 within 45 days after the pupil membership count day or supplemental
21 count day of that particular year. A pupil not counted as 1.0 full-
22 time equated membership due to an absence from a class is counted
23 as a prorated membership for the classes the pupil attended. For
24 purposes of this subsection, "class" means a period of time in 1
25 day when pupils and a certificated teacher, a teacher engaged to
26 teach under section 1233b of the revised school code, MCL
27 380.1233b, or an individual working under a valid substitute
28 permit, authorization, or approval issued by the department, are
29 together and instruction is taking place.



1 (9) "Pupils engaged in pandemic learning for fall 2020" means
2 pupils in grades K to 12 who are enrolled in a district, excluding
3 a district that operates as a cyber school, as that term is defined
4 in section 551 of the revised school code, MCL 380.551, or
5 intermediate district and to which any of the following apply:

6 (a) For a pupil who is not learning sequentially, any of the
7 following occurs for each of the pupil's scheduled courses:

8 (i) The pupil attends a live lesson from the pupil's teacher or
9 at least 1 of the pupil's teachers on 2020-2021 pupil membership
10 count day.

11 (ii) The pupil logs into an online or virtual lesson or lesson
12 activity on 2020-2021 pupil membership count day and the login can
13 be documented by the district or intermediate district.

14 (iii) The pupil and the pupil's teacher or at least 1 of the
15 pupil's teachers engage in a subject-oriented telephone
16 conversation on 2020-2021 pupil membership count day.

17 (iv) The district or intermediate district documents that an
18 electronic mail dialogue occurred between the pupil and the pupil's
19 teacher or at least 1 of the pupil's teachers on 2020-2021 pupil
20 membership count day.

21 (b) For a pupil who is using sequential learning, any of the
22 following occurs for each of the pupil's scheduled courses:

23 (i) The pupil attends a virtual course where synchronous, live
24 instruction occurs with the pupil's teacher or at least 1 of the
25 pupil's teachers on 2020-2021 pupil membership count day and the
26 attendance is documented by the district or intermediate district.

27 (ii) The pupil completes a course assignment on 2020-2021 pupil
28 membership count day and the completion is documented by the
29 district or intermediate district.



1 (iii) The pupil completes a course lesson or lesson activity on
2 2020-2021 pupil membership count day and the completion is
3 documented by the district or intermediate district.

4 (iv) The pupil accesses an ongoing lesson that is not a login
5 on 2020-2021 pupil membership count day and the access is
6 documented by the district or intermediate district.

7 (c) At a minimum, 1 2-way interaction has occurred between the
8 pupil and the pupil's teacher or at least 1 of the pupil's teachers
9 during the week on which 2020-2021 pupil membership count day falls
10 and during each week for the 3 consecutive weeks after the week on
11 which 2020-2021 pupil membership count day falls. A district may
12 utilize 2-way interactions that occur under this subdivision toward
13 meeting the requirement under section 101(3)(h). As used in this
14 subdivision:

15 (i) "2-way interaction" means a communication that occurs
16 between a pupil and the pupil's teacher or at least 1 of the
17 pupil's teachers, where 1 party initiates communication and a
18 response from the other party follows that communication, and that
19 is relevant to course progress or course content for at least 1 of
20 the courses in which the pupil is enrolled. Responses, as described
21 in this subparagraph, must be to the communication initiated by the
22 teacher, and not some other action taken. The communication
23 described in this subparagraph may occur through, but is not
24 limited to, any of the following means:

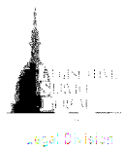
25 (A) Electronic mail.

26 (B) Telephone.

27 (C) Instant messaging.

28 (D) Face-to-face conversation.

29 (ii) "Week" means a period beginning on Wednesday and ending on



1 the following Tuesday.

2 (d) The pupil has not participated in or completed an activity
3 as described in subdivision (a), (b), or (c) and the pupil was not
4 excused from participation or completion, but the pupil
5 participates in or completes an activity described in subdivision
6 (a) or (b) during the 10 consecutive school days immediately
7 following the 2020-2021 pupil membership count day.

8 (e) The pupil has not participated in or completed an activity
9 as described in subdivision (a), (b), or (c) and the pupil was
10 excused from participation or completion, but the pupil
11 participates in or completes an activity described in subdivision
12 (a) or (b) during the 30 calendar days immediately following the
13 2020-2021 pupil membership count day.

14 (f) The pupil meets the criteria of pupils in grades K to 12
15 actually enrolled and in regular daily attendance.

16 (10) ~~(9)~~—"Rule" means a rule promulgated pursuant to the
17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
18 24.328.

19 (11) ~~(10)~~—"The revised school code" means the revised school
20 code, 1976 PA 451, MCL 380.1 to 380.1852.

21 (12) ~~(11)~~—"School district of the first class", "first class
22 school district", and "district of the first class" mean, for the
23 purposes of this article only, a district that had at least 40,000
24 pupils in membership for the immediately preceding fiscal year.

25 (13) ~~(12)~~—"School fiscal year" means a fiscal year that
26 commences July 1 and continues through June 30.

27 (14) ~~(13)~~—"State board" means the state board of education.

28 (15) ~~(14)~~—"Superintendent", unless the context clearly refers
29 to a district or intermediate district superintendent, means the



1 superintendent of public instruction described in section 3 of
2 article VIII of the state constitution of 1963.

3 (16) ~~(15)~~—"Supplemental count day" means the day on which the
4 supplemental pupil count is conducted under section 6a **or the day**
5 **specified as supplemental count day under section 6a.**

6 (17) ~~(16)~~—"Tuition pupil" means a pupil of school age
7 attending school in a district other than the pupil's district of
8 residence for whom tuition may be charged to the district of
9 residence. Tuition pupil does not include a pupil who is a special
10 education pupil, a pupil described in subsection (6)(c) to (o), or
11 a pupil whose parent or guardian voluntarily enrolls the pupil in a
12 district that is not the pupil's district of residence. A pupil's
13 district of residence shall not require a high school tuition
14 pupil, as provided under section 111, to attend another school
15 district after the pupil has been assigned to a school district.

16 (18) ~~(17)~~—"State school aid fund" means the state school aid
17 fund established in section 11 of article IX of the state
18 constitution of 1963.

19 (19) ~~(18)~~—"Taxable value" means the taxable value of property
20 as determined under section 27a of the general property tax act,
21 1893 PA 206, MCL 211.27a.

22 (20) ~~(19)~~—"Textbook" means a book, electronic book, or other
23 instructional print or electronic resource that is selected and
24 approved by the governing board of a district and that contains a
25 presentation of principles of a subject, or that is a literary work
26 relevant to the study of a subject required for the use of
27 classroom pupils, or another type of course material that forms the
28 basis of classroom instruction.

29 (21) ~~(20)~~—"Total state aid" or "total state school aid",



1 except as otherwise provided in this article, means the total
 2 combined amount of all funds due to a district, intermediate
 3 district, or other entity under this article.

4 Sec. 6a. **(1)** Except as otherwise provided in this **subsection**
 5 **and this** act, in addition to the pupil membership count day, there
 6 ~~shall be~~ **is** a supplemental pupil count of the number of full-time
 7 equated pupils in grades K-12 actually enrolled and in regular
 8 daily attendance in a district or intermediate district on the
 9 second Wednesday in February or, for a district that is not in
 10 session on that day due to conditions not within the control of
 11 school authorities, with the approval of the superintendent, the
 12 immediately following day on which the district is in session, **but,**
 13 **for 2020-2021 only, in addition to the pupil membership count day,**
 14 **there is a supplemental pupil count of the number of full-time**
 15 **equated pupils engaged in pandemic learning for spring 2021 or, for**
 16 **a district that operates as a cyber school, as that term is defined**
 17 **in section 551 of the revised school code, MCL 380.551, the number**
 18 **of full-time equated pupils in grades K to 12 actually enrolled and**
 19 **in regular attendance in the district on 2020-2021 supplemental**
 20 **count day. For the purposes of this act, and except as otherwise**
 21 **provided in this subsection, the day on which the supplemental**
 22 **pupil count is conducted is the supplemental count day. For 2020-**
 23 **2021, for purposes of this act, and except as otherwise**
 24 **specifically provided in this article, supplemental count day is**
 25 **the second Wednesday in February or, for a district that is not in**
 26 **session on that day due to conditions not within the control of**
 27 **school authorities, with the approval of the superintendent, the**
 28 **immediately following day on which the district is in session. A**
 29 **district is considered to be in session for purposes of this**



1 subsection when the district is providing pupil instruction
2 pursuant to an extended COVID-19 learning plan approved under
3 section 98a.

4 (2) As used in this section, "pupils engaged in pandemic
5 learning for spring 2021" means pupils in grades K to 12 who are
6 enrolled in a district, excluding a district that operates as a
7 cyber school, as that term is defined in section 551 of the revised
8 school code, MCL 380.551, or intermediate district and to which any
9 of the following apply:

10 (a) For a pupil who is not learning sequentially, any of the
11 following occurs for each of the pupil's scheduled courses:

12 (i) The pupil attends a live lesson from the pupil's teacher or
13 at least 1 of the pupil's teachers on 2020-2021 supplemental count
14 day.

15 (ii) The pupil logs into an online or virtual lesson or lesson
16 activity on 2020-2021 supplemental count day and the login can be
17 documented by the district or intermediate district.

18 (iii) The pupil and the pupil's teacher or at least 1 of the
19 pupil's teachers engage in a subject-oriented telephone
20 conversation on 2020-2021 supplemental count day.

21 (iv) The district or intermediate district documents that an
22 electronic mail dialogue occurred between the pupil and the pupil's
23 teacher or at least 1 of the pupil's teachers on 2020-2021
24 supplemental count day.

25 (b) For a pupil who is using sequential learning, any of the
26 following occurs for each of the pupil's scheduled courses:

27 (i) The pupil attends a virtual course where synchronous, live
28 instruction occurs with the pupil's teacher or at least 1 of the
29 pupil's teachers on 2020-2021 supplemental count day and the



1 attendance is documented by the district or intermediate district.

2 (ii) The pupil completes a course assignment on 2020-2021
3 supplemental count day and the completion is documented by the
4 district or intermediate district.

5 (iii) The pupil completes a course lesson or lesson activity on
6 2020-2021 supplemental count day and the completion is documented
7 by the district or intermediate district.

8 (iv) The pupil accesses an ongoing lesson that is not a login
9 on 2020-2021 supplemental count day and the access is documented by
10 the district or intermediate district.

11 (c) At a minimum, 1 2-way interaction has occurred between the
12 pupil and the pupil's teacher or at least 1 of the pupil's teachers
13 during the week on which 2020-2021 supplemental count day falls and
14 during each week for the 3 consecutive weeks after the week on
15 which 2020-2021 supplemental count day falls. A district may
16 utilize 2-way interactions that occur under this subdivision toward
17 meeting the requirement under section 101(3)(h). As used in this
18 subdivision:

19 (i) "2-way interaction" means a communication that occurs
20 between a pupil and the pupil's teacher or at least 1 of the
21 pupil's teachers, where 1 party initiates communication and a
22 response from the other party follows that communication, and that
23 is relevant to course progress or course content for at least 1 of
24 the courses in which the pupil is enrolled. Responses, as described
25 in this subparagraph, must be to the communication initiated by the
26 teacher, and not some other action taken. The communication
27 described in this subparagraph may occur through, but is not
28 limited to, any of the following means:

29 (A) Electronic mail.



1 (B) Telephone.

2 (C) Instant messaging.

3 (D) Face-to-face conversation.

4 (ii) "Week" means a period beginning on Wednesday and ending on
5 the following Tuesday.

6 (d) The pupil has not participated or completed an activity
7 described in subdivision (a), (b), or (c) and the pupil was not
8 excused from participation or completion, but the pupil
9 participates in or completes an activity described in subdivision
10 (a) or (b) during the 10 consecutive school days immediately
11 following the 2020-2021 supplemental count day.

12 (e) The pupil has not participated or completed an activity
13 described in subdivision (a), (b), or (c) and the pupil was excused
14 from participation or completion, but the pupil participates in or
15 completes an activity described in subdivision (a) or (b) during
16 the 30 calendar days immediately following the 2020-2021
17 supplemental count day.

18 (f) The pupil meets the criteria of pupils in grades K to 12
19 actually enrolled and in regular daily attendance.

20 Sec. 11p. (1) ~~In addition to the~~ **From the federal** funds
21 appropriated under section 11, for 2019-2020 only, there is
22 ~~appropriated~~ **allocated** an amount not to exceed \$512,000,000.00 from
23 the federal funding awarded to this state from the coronavirus
24 relief fund under the coronavirus aid, relief, and economic
25 security act, Public Law 116-136.

26 (2) From the funds ~~appropriated~~ **allocated** under this section,
27 the department shall pay to each district an amount equal to
28 \$350.00 for each pupil in membership for 2019-2020 only.

29 (3) A district receiving funds under this section must comply



1 with all requirements corresponding to the receipt of funds under
 2 the coronavirus aid, relief, and economic security act, Public Law
 3 116-136, and 2 CFR part 200, as applicable, including, but not
 4 limited to, any certifications, assurances, and accountability and
 5 transparency provisions. The department may require any
 6 documentation necessary to ensure compliance with federal
 7 requirements.

8 (4) Any funds received under this act and expended by a
 9 district in any manner that does not adhere to the coronavirus aid,
 10 relief, and economic security act, Public Law 116-136, or 2 CFR
 11 part 200, as applicable, must be returned to this state. If it is
 12 determined that a district receiving funds under this act expends
 13 any funds received under this act for a purpose that is not
 14 consistent with the requirements of the coronavirus aid, relief,
 15 and economic security act, Public Law 116-136, or 2 CFR part 200,
 16 as applicable, the state budget director is authorized to withhold
 17 payment of state funds, in part or in whole, payable to that
 18 district from any state appropriation under this act.

19 (5) The ~~appropriation~~**allocation** in this section from the
 20 federal funding awarded to this state from the coronavirus relief
 21 fund under the coronavirus aid, relief, and economic security act,
 22 Public Law 116-136, reduces to \$0.00 the coronavirus relief fund
 23 appropriations authorized in the same amount and for the same
 24 purpose under section 302 of 2020 PA 67.

25 ~~(6) A district shall accrue the payments received under this~~
 26 ~~section to the school fiscal year ending June 30, 2020.~~

27 **Sec. 98a. (1) In order to receive state aid under this article**
 28 **for 2020-2021, a district must provide, for the 2020-2021 school**
 29 **year, instruction under an extended COVID-19 learning plan that has**



1 been approved by an intermediate district or authorizing body, as
2 applicable, under subsection (2). It is the intent of the
3 legislature that extended COVID-19 learning plans described in this
4 subsection provide districts with maximum flexibility to adapt
5 their educational programs for some or all pupils at some or all of
6 the schools operated by the district to respond to the COVID-19
7 pandemic. An extended COVID-19 learning plan described in this
8 subsection must include all of the following elements:

9 (a) A statement indicating why an extended COVID-19 learning
10 plan is necessary to increase pupil engagement and achievement for
11 the 2020-2021 school year.

12 (b) The educational goals expected to be achieved for the
13 2020-2021 school year. The educational goals described in this
14 subdivision must not be utilized to determine state policy. The
15 district must establish all of its goals under this subdivision by
16 not later than September 15, 2020. An extended COVID-19 learning
17 plan described in this subsection must specify which educational
18 goals described in this subdivision are expected to be achieved by
19 the middle of the school year and which goals are expected to be
20 achieved by the end of the school year. All of the following apply
21 to the educational goals described in this subdivision:

22 (i) The goals must include increased pupil achievement or, if
23 growth can be validly and reliably measured using a benchmark
24 assessment or benchmark assessments, growth on a benchmark
25 assessment or benchmark assessments described in subparagraph (ii)
26 in the aggregate and for all subgroups of pupils.

27 (ii) The goals must include an assurance that the district
28 shall select a benchmark assessment or benchmark assessments that
29 are aligned to state standards and an assurance that the district



1 shall administer the benchmark assessment or benchmark assessments
2 to all pupils as prescribed under section 104 to determine whether
3 pupils are making meaningful progress toward mastery of these
4 standards.

5 (iii) The goals must be measurable through a benchmark
6 assessment or benchmark assessments described in subparagraph (ii).

7 (c) A description of how instruction will be delivered during
8 the 2020-2021 school year. Instruction, as described in this
9 subdivision, may be delivered at school or at a different location,
10 in person, online, digitally, by other remote means, in a
11 synchronous or asynchronous format, or any combination thereof,
12 but, except as otherwise provided in this subdivision, must be
13 delivered as included in the description. If the description of
14 instructional delivery under this subdivision differs from the
15 delivery of instruction re-confirmed under this subdivision, then
16 instruction must be delivered as re-confirmed. Thirty days after
17 the approval of the plan under subsection (2), and every 30 days
18 thereafter, the district must, at a meeting of the board or board
19 of directors, as applicable, of the district, re-confirm how
20 instruction is going to be delivered during the 2020-2021 school
21 year. Public comment must be solicited from the parents or legal
22 guardians of the pupils enrolled in the district during a meeting
23 described in this subdivision.

24 (d) A description of how instruction for core academic areas
25 provided under the extended COVID-19 learning plan will expose each
26 pupil to the academic standards that apply for each pupil's grade
27 level or courses in the same scope and sequence as the district had
28 planned for that exposure to occur for in-person instruction, as
29 applicable, and a description of how pupil progress toward mastery



1 of the standards described in this subdivision will be graded or
2 otherwise reported to the pupil and the pupil's parent or legal
3 guardian.

4 (e) If the district is delivering pupil instruction virtually,
5 an assurance and description of how pupils will be provided with
6 equitable access to technology and the internet necessary to
7 participate in instruction. This subdivision does not prohibit a
8 district from providing pupil instruction through nonvirtual
9 educational materials.

10 (f) A description of how the district will ensure that
11 students with disabilities will be provided with equitable access
12 to instruction accommodation in accordance with applicable state
13 and federal laws, rules, and regulations.

14 (g) A requirement that the district, in consultation with a
15 local health department, as that term is defined in section 1105 of
16 the public health code, MCL 333.1105, and district employees,
17 develop districtwide guidelines concerning appropriate methods for
18 delivering pupil instruction for the 2020-2021 school year that are
19 based on local data that are based on key metrics. However,
20 regardless of the guidelines developed under this subdivision, a
21 determination concerning the method for delivering pupil
22 instruction remains with the district. As used in this subdivision,
23 "key metrics" means, at a minimum, all of the following:

24 (i) The trend of COVID-19 cases or positive COVID-19 tests,
25 hospitalizations due to COVID-19, and the number of deaths
26 resulting from COVID-19 over a 14-day period.

27 (ii) COVID-19 cases for each day for every 1 million
28 individuals.

29 (iii) The percentage of positive COVID-19 tests over a 4-week



1 period.

2 (iv) Health care capacity strength.

3 (v) Testing, tracing, and containment infrastructure with
4 regard to COVID-19.

5 (h) A provision that, if the district determines that it is
6 safe to provide in-person pupil instruction to pupils, the district
7 shall prioritize providing in-person pupil instruction to pupils in
8 grades K to 5 who are enrolled in the district.

9 (i) A requirement that the district shall ensure that 2 2-way
10 interactions occur between a pupil enrolled in the district and the
11 pupil's teacher or at least 1 of the pupil's teachers during each
12 week of the school year for at least 75% of pupils enrolled in the
13 district. A district may utilize 2-way interactions that occur
14 under this subdivision toward meeting the requirement under section
15 101(3) (h). The district shall publicly announce its weekly
16 interaction rates under this subdivision at each reconfirmation
17 meeting described in subdivision (c) and make those rates
18 accessible through the transparency reporting link located on the
19 district's website each month. As used in this subdivision, "2-way
20 interaction" means a communication that occurs between a pupil and
21 the pupil's teacher or at least 1 of the pupil's teachers, where 1
22 party initiates communication and a response from the other party
23 follows that communication, and that is relevant to course progress
24 or course content for at least 1 of the courses in which the pupil
25 is enrolled. Responses, as described in this subdivision, must be
26 to the communication initiated by the teacher, and not some other
27 action taken. The communication described in this subdivision may
28 occur through, but is not limited to, any of the following means:

29 (i) Electronic mail.



1 (ii) Telephone.

2 (iii) Instant messaging.

3 (iv) Face-to-face conversation.

4 (2) A district that is not a public school academy that
5 intends to provide instruction under an extended COVID-19 learning
6 plan shall submit its extended COVID-19 learning plan described in
7 subsection (1) to the intermediate district in which the district
8 is located by not later than October 1, 2020, and a district that
9 is a public school academy that intends to provide instruction
10 under an extended COVID-19 learning plan shall submit its extended
11 COVID-19 learning plan described in subsection (1) to its
12 authorizing body by not later than October 1, 2020, for approval.
13 An intermediate district or authorizing body, as applicable, shall
14 approve an extended COVID-19 learning plan submitted for approval
15 under this subsection if the plan includes all of the elements
16 required for inclusion in the plan under subsection (1). If an
17 intermediate district or authorizing body, as applicable, approves
18 of a district's extended COVID-19 learning plan under this
19 subsection, the intermediate district or authorizing body, as
20 applicable, shall transmit copies of the approved plan to the
21 superintendent of public instruction and the state treasurer.

22 (3) An extended COVID-19 learning plan described in subsection
23 (1) and approved under subsection (2) must be made accessible
24 through the transparency reporting link located on the district's
25 website by not later than October 1, 2020.

26 (4) Both of the following apply to a district that is
27 providing instruction under an extended COVID-19 learning plan
28 approved under this section:

29 (a) By not later than February 1, 2021, the district shall



1 create a report concerning progress made in meeting the educational
 2 goals described in subsection (1) that the district expected would
 3 be achieved by the middle of the school year and shall ensure that
 4 the report under this subdivision can be accessed through the
 5 transparency reporting link located on the district's website.

6 (b) By not later than the last day of the 2020-2021 school
 7 year, the district shall create a report concerning progress made
 8 in meeting the educational goals described in subsection (1) that
 9 the district expected would be achieved by the end of the school
 10 year and shall ensure that the report under this subdivision can be
 11 accessed through the transparency reporting link located on the
 12 district's website.

13 (5) This section does not apply to a district that operates as
 14 a cyber school, as that term is defined in section 551 of the
 15 revised school code, MCL 380.551.

16 Sec. 104. (1) In order to receive state aid under this
 17 article, a district shall comply with sections 1249, 1278a, 1278b,
 18 1279g, and 1280b of the revised school code, MCL 380.1249,
 19 380.1278a, 380.1278b, 380.1279g, and 380.1280b, and 1970 PA 38, MCL
 20 388.1081 to 388.1086. Subject to subsection (2), from the state
 21 school aid fund money appropriated in section 11, there is
 22 allocated for 2019-2020 an amount not to exceed \$26,009,400.00 for
 23 payments on behalf of districts for costs associated with complying
 24 with those provisions of law. In addition, from the federal funds
 25 appropriated in section 11, there is allocated for 2019-2020 an
 26 amount estimated at \$6,250,000.00, funded from DED-OESE, title VI,
 27 state assessment funds, and from DED-OSERS, section 504 of part B
 28 of the individuals with disabilities education act, Public Law 94-
 29 142, plus any carryover federal funds from previous year



1 appropriations, for the purposes of complying with the every
2 student succeeds act, Public Law 114-95.

3 (2) The results of each test administered as part of the
4 Michigan student test of educational progress (M-STEP), including
5 tests administered to high school students, must include an item
6 analysis that lists all items that are counted for individual pupil
7 scores and the percentage of pupils choosing each possible
8 response. The department shall work with the center to identify the
9 number of students enrolled at the time assessments are given by
10 each district. In calculating the percentage of pupils assessed for
11 a district's scorecard, the department shall use only the number of
12 pupils enrolled in the district at the time the district
13 administers the assessments and shall exclude pupils who enroll in
14 the district after the district administers the assessments.

15 (3) The department shall distribute federal funds allocated
16 under this section in accordance with federal law and with
17 flexibility provisions outlined in Public Law 107-116, and in the
18 education flexibility partnership act of 1999, Public Law 106-25.

19 (4) From the funds allocated in subsection (1), there is
20 allocated an amount not to exceed \$2,500,000.00 to an intermediate
21 district described in this subsection for statewide implementation
22 of the Michigan kindergarten entry observation tool (MKEO)
23 beginning in the fall of 2019, utilizing the Maryland-Ohio
24 observational tool, also referred to as the Kindergarten Readiness
25 Assessment, as piloted under this subsection in 2017-2018 and
26 implemented in 2018-2019 and 2019-2020. The funding in this
27 subsection is allocated to an intermediate district in prosperity
28 region 9 with at least 3,000 kindergarten pupils enrolled in its
29 constituent districts. **It is the intent of the legislature that**



1 funding will not be allocated under this subsection for 2020-2021
2 for the purposes under this subsection and that statewide
3 implementation of the Michigan kindergarten entry observation tool
4 (MKEO), as described in this subsection, will be suspended for
5 2020-2021. All of the following apply to the implementation of the
6 kindergarten entry observation tool under this subsection:

7 (a) The department, in collaboration with all intermediate
8 districts, shall ensure that the Michigan kindergarten entry
9 observation tool is administered in each kindergarten classroom to
10 either the full census of kindergarten pupils enrolled in the
11 classroom or to a representative sample of not less than 35% of the
12 total kindergarten pupils enrolled in each classroom. If a district
13 elects to administer the Michigan kindergarten entry observation
14 tool to a random sample of pupils within each classroom, the
15 district's intermediate district shall select the pupils who will
16 receive the assessment based on the same random method. Beginning
17 in ~~2020,~~ **2021**, the observation tool must be administered within 45
18 days after the start of the school year.

19 (b) The intermediate district that receives funding under this
20 subsection, in collaboration with all other intermediate districts,
21 shall implement a "train the trainer" professional development
22 model on the usage of the Michigan kindergarten entry observation
23 tool. This training model must provide training to intermediate
24 district staff so that they may provide similar training for staff
25 of their constituent districts. This training model must also
26 ensure that the tool produces reliable data and that there are a
27 sufficient number of trainers to train all kindergarten teachers
28 statewide.

29 (c) By March 1, ~~2021,~~ **2022**, and each year thereafter, the



1 department and the intermediate district that receives funding
2 under this subsection shall report to the house and senate
3 appropriations subcommittees on **state** school aid, the house and
4 senate fiscal agencies, and the state budget director on the
5 results of the statewide implementation, including, but not limited
6 to, an evaluation of the demonstrated readiness of kindergarten
7 pupils statewide and the effectiveness of state and federal early
8 childhood programs that are designed for school readiness under
9 this state's authority, including the great start readiness program
10 and the great start readiness/Head Start blended program, as
11 referenced under section 32d. By September 1, ~~2021~~, **2022**, and each
12 year thereafter, the department and the center shall provide a
13 method for districts and public school academies with kindergarten
14 enrollment to look up and verify their student enrollment data for
15 pupils who were enrolled in a publicly funded early childhood
16 program in the year before kindergarten, including the individual
17 great start readiness program, individual great start
18 readiness/Head Start blended program, individual title I preschool
19 program, individual section 31a preschool program, individual early
20 childhood special education program, or individual developmental
21 kindergarten or program for young 5-year-olds in which each tested
22 child was enrolled. A participating district shall analyze the data
23 to determine whether high-performing children were enrolled in any
24 specific early childhood program and, if so, report that finding to
25 the department and to the intermediate district that receives
26 funding under this subsection.

27 (d) The department shall approve the language and literacy
28 domain within the Kindergarten Readiness Assessment for use by
29 districts as an initial assessment that may be delivered to all



1 kindergarten pupils to assist with identifying any possible area of
2 concern for a pupil in English language arts.

3 (e) As used in this subsection:

4 (i) "Kindergarten" includes a classroom for young 5-year-olds,
5 commonly referred to as "young 5s" or "developmental kindergarten".

6 (ii) "Representative sample" means a sample capable of
7 producing valid and reliable assessment information on all or major
8 subgroups of kindergarten pupils in a district.

9 (5) The department may recommend, but may not require,
10 districts to allow pupils to use an external keyboard with tablet
11 devices for online M-STEP testing, including, but not limited to,
12 open-ended test items such as constructed response or equation
13 builder items.

14 (6) Notwithstanding section 17b, the department shall make
15 payments on behalf of districts, intermediate districts, and other
16 eligible entities under this section on a schedule determined by
17 the department.

18 (7) From the allocation in subsection (1), there is allocated
19 an amount not to exceed \$500,000.00 for 2019-2020 for the operation
20 of an online reporting tool to provide student-level assessment
21 data in a secure environment to educators, parents, and pupils
22 immediately after assessments are scored. The department and the
23 center shall ensure that any data collected by the online reporting
24 tool do not provide individually identifiable student data to the
25 federal government.

26 **(8) In order to receive state aid under this article for 2020-**
27 **2021, a district shall meet both of the following requirements:**

28 **(a) Within the first 9 weeks of the 2020-2021 school year, the**
29 **district shall administer 1 or more benchmark assessments provided**



1 by a provider approved under subsection (9), benchmark assessments
2 described in subsection (10), or local benchmark assessments, or
3 any combination thereof, to all pupils in grades K to 8 to measure
4 proficiency in reading and mathematics.

5 (b) In addition to the benchmark assessment or benchmark
6 assessments administered under subdivision (a), by not later than
7 the last day of the 2020-2021 school year, the district shall
8 administer 1 or more benchmark assessments provided by a provider
9 approved under subsection (9), benchmark assessments described in
10 subsection (10), or local benchmark assessments, or any combination
11 thereof, to all pupils in grades K to 8 to measure proficiency in
12 reading and mathematics.

13 (9) The department shall approve at least 4 but not more than
14 5 providers of benchmark assessments for the purposes of subsection
15 (8). The department shall inform districts of all of the providers
16 approved under this subsection in an equitable manner. The
17 benchmark assessments provided for the purposes of subsection (8)
18 by approved providers under this subsection, with the exclusion of
19 the benchmark assessment described in subsection (14), must meet
20 all of the following:

21 (a) Be 1 of the most commonly administered benchmark
22 assessments in this state.

23 (b) Be aligned to the content standards of this state.

24 (c) Complement the state's summative assessment system.

25 (d) Be internet-delivered and include a standards-based
26 assessment using a computer-adaptive model to target the
27 instructional level of each pupil.

28 (e) Provide information on pupil achievement with regard to
29 learning content required in a given year or grade span.



1 (f) Provide immediate feedback to pupils and teachers.

2 (g) Be nationally normed.

3 (h) Provide multiple measures of growth and provide for
4 multiple testing opportunities.

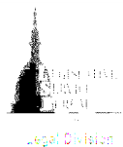
5 (10) A district may administer 1 or more of the following
6 benchmark assessments toward meeting the requirement under
7 subsection (8):

8 (a) A benchmark assessment in reading for students in grades K
9 to 9 that contains progress monitoring tools and enhanced
10 diagnostic assessments.

11 (b) A benchmark assessment in math for students in grades K to
12 8 that contains progress monitoring tools.

13 (11) To the extent practicable, if a district administers a
14 benchmark assessment or benchmark assessments under this section,
15 the district shall administer the same benchmark assessment or
16 benchmark assessments provided by a provider approved under
17 subsection (9), benchmark assessment or benchmark assessments
18 described in subsection (10), or local benchmark assessment or
19 local benchmark assessments that it administered to pupils in
20 previous school years, as applicable.

21 (12) By not later than June 30, 2021, a district shall send
22 the aggregate district-level data from a benchmark assessment or
23 benchmark assessments, excluding data from a local benchmark
24 assessment or local benchmark assessments, administered under this
25 section to a regional data hub that is part of the Michigan data
26 hub network that shall compile the data and send it to the center.
27 Not later than August 1, 2021, the department and the center shall
28 provide a report to the governor and the senate and house standing
29 committees responsible for education legislation identifying the



1 number and percentage of pupils in this state who are significantly
2 behind grade level as determined by the department and the center
3 based on the data provided to the center under this subsection. The
4 benchmark assessment data under this subsection may also be used to
5 measure pupils' growth based on their performance on state
6 summative assessments to identify districts and schools where pupil
7 achievement has increased or decreased. However, the benchmark
8 assessment data under this subsection must not be utilized for the
9 state accountability system. It is the intent of the legislature
10 that the benchmark assessment data under this subsection be
11 primarily utilized to determine the loss of learning, if any,
12 resulting from the COVID-19 pandemic. After the administration of
13 statewide assessments resumes, the department shall also provide a
14 report to the governor and the senate and house standing committees
15 responsible for education legislation identifying the specific
16 pupil groups whose expected trajectory toward grade-level
17 proficiency were most impacted by school closures that occurred
18 pursuant to the COVID-19 pandemic.

19 (13) If a district administers a benchmark assessment or
20 benchmark assessments under this section, the district shall
21 provide each pupil's data from the benchmark assessment or
22 benchmark assessments, as available, to the pupil's parent or legal
23 guardian within 30 days of administering the benchmark assessment
24 or benchmark assessments.

25 (14) The department shall make 1 of the benchmark assessments
26 provided by a provider approved under subsection (9) available to
27 districts at no cost to the districts. The benchmark assessment
28 described in this subsection must meet all of the following:

29 (a) Be aligned to the content standards of this state.



1 (b) Complement the state's summative assessment system.

2 (c) Be internet-delivered and include a standards-based
3 assessment.

4 (d) Provide information on pupil achievement with regard to
5 learning content required in a given year or grade span.

6 (e) Provide timely feedback to pupils and teachers.

7 (f) Be nationally normed.

8 (g) Provide information to educators about student growth and
9 allow for multiple testing opportunities.

10 (15) If a local benchmark assessment or local benchmark
11 assessments are administered under subsection (8), the district
12 shall report to the department and the center, in a form and manner
13 prescribed by the center, the local benchmark assessment or local
14 benchmark assessments that were administered and how that
15 assessment or those assessments measure changes, including any
16 losses, as applicable, in learning, and the district's plan for
17 addressing any losses in learning.

18 (16) It is the intent of the legislature to appropriate
19 funding for a study to be conducted by a higher education
20 institution or other entity that is not a state governmental entity
21 that has expertise in conducting a study described in this
22 subsection. It is the intent of the legislature that the study
23 described in this subsection must, at a minimum, accomplish all of
24 the following:

25 (a) Provide for an assessment of the distance-learning
26 programs utilized in this state that were effective at meeting
27 educational goals and attainment.

28 (b) Provide for an assessment of how the programs described in
29 subdivision (a) operated.



(c) Provide for an assessment of the best practices implemented by the programs described in subdivision (a) that should be replicated by schools engaged in distance learning.

(d) Note distance-learning models that were ineffective in achieving educational goals.

(17) ~~(8)~~—As used in this section:

(a) "DED" means the United States Department of Education.

(b) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(c) "DED-OSERS" means the DED Office of Special Education and Rehabilitative Services.

Sec. 201c. (1) In addition to the funds appropriated under section 201, for the fiscal year ending September 30, 2020 only, there is appropriated an amount not to exceed \$36,273,400.00 from the federal funding awarded to this state from the coronavirus relief fund under the coronavirus aid, relief, and economic security act, Public Law 116-136.

(2) From the amount appropriated under subsection (1), each community college is allocated the following:

(a) Alpena Community College, \$644,800.00.

(b) Bay de Noc Community College, \$627,900.00.

(c) Delta College, \$1,699,100.00.

(d) Glen Oaks Community College, \$297,100.00.

(e) Gogebic Community College, \$546,100.00.

(f) Grand Rapids Community College, \$2,104,000.00.

(g) Henry Ford College, \$2,525,400.00.

(h) Jackson College, \$1,429,600.00.

(i) Kalamazoo Valley Community College, \$1,468,200.00.

(j) Kellogg Community College, \$1,150,700.00.



- (k) Kirtland Community College, \$376,400.00.
- (l) Lake Michigan College, \$639,100.00.
- (m) Lansing Community College, \$3,681,900.00.
- (n) Macomb Community College, \$3,841,500.00.
- (o) Mid Michigan Community College, \$581,000.00.
- (p) Monroe County Community College, \$531,900.00.
- (q) Montcalm Community College, \$400,200.00.
- (r) C.S. Mott Community College, \$1,842,500.00.
- (s) Muskegon Community College, \$1,041,100.00.
- (t) North Central Michigan College, \$379,900.00.
- (u) Northwestern Michigan College, \$1,072,200.00.
- (v) Oakland Community College, \$2,489,400.00.
- (w) Schoolcraft College, \$1,479,000.00.
- (x) Southwestern Michigan College, \$782,200.00.
- (y) St. Clair County Community College, \$827,700.00.
- (z) Washtenaw Community College, \$1,552,900.00.
- (aa) Wayne County Community College, \$1,971,800.00.
- (bb) West Shore Community College, \$289,800.00.

(3) A community college receiving funds under this section must comply with all requirements applicable to the receipt of funds under the coronavirus aid, relief, and economic security act, Public Law 116-136, and 2 CFR part 200, as applicable, including, but not limited to, any certifications, assurances, and accountability and transparency provisions. The department of treasury may require any documentation necessary to ensure compliance with federal requirements.

(4) Any funds received under this section and expended by a community college in any manner that does not comply with the coronavirus aid, relief, and economic security act, Public Law 116-



1 136, or 2 CFR part 200, as applicable, must be returned to this
 2 state. If it is determined that a community college receiving funds
 3 under this section expends any funds received under this section
 4 for a purpose that is not consistent with the requirements of the
 5 coronavirus aid, relief, and economic security act, Public Law 116-
 6 136, or 2 CFR part 200, as applicable, the state budget director is
 7 authorized to withhold payment of state funds, in part or in whole,
 8 payable from any state appropriation under this act.

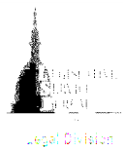
9 (5) The appropriation in this section from the federal funding
 10 awarded to this state from the coronavirus relief fund under the
 11 coronavirus aid, relief, and economic security act, Public Law 116-
 12 136, reduces to \$0.00 the coronavirus relief fund appropriations
 13 authorized in the same amounts and for the same purposes under
 14 section 302 of 2020 PA 67.

15 ~~(6) A community college with a fiscal year ending June 30~~
 16 ~~shall accrue the payments received under this section to that~~
 17 ~~community college's fiscal year ending June 30, 2020.~~

18 Sec. 236g. (1) In addition to the funds appropriated under
 19 section 236, for the fiscal year ending September 30, 2020 only,
 20 there is appropriated an amount not to exceed \$163,726,600.00 from
 21 the federal funding awarded to this state from the coronavirus
 22 relief fund under the coronavirus aid, relief, and economic
 23 security act, Public Law 116-136.

24 (2) From the amount appropriated under subsection (1), each
 25 public university is allocated the following:

- 26 (a) Central Michigan University, \$9,821,000.00.
- 27 (b) Eastern Michigan University, \$8,658,200.00.
- 28 (c) Ferris State University, \$6,166,900.00.
- 29 (d) Grand Valley State University, \$8,104,500.00.



- (e) Lake Superior State University, \$1,502,600.00.
- (f) Michigan State University, \$32,202,500.00.
- (g) Michigan Technological University, \$5,615,100.00.
- (h) Northern Michigan University, \$5,358,200.00.
- (i) Oakland University, \$5,956,500.00.
- (j) Saginaw Valley State University, \$3,427,700.00.
- (k) University of Michigan - Ann Arbor, \$36,084,600.00.
- (l) University of Michigan - Dearborn, \$2,932,600.00.
- (m) University of Michigan - Flint, \$2,646,800.00.
- (n) Wayne State University, \$22,750,600.00.
- (o) Western Michigan University, \$12,498,800.00.

(3) A university receiving funds under this section must comply with all requirements applicable to the receipt of funds under the coronavirus aid, relief, and economic security act, Public Law 116-136, and 2 CFR part 200, as applicable, including, but not limited to, any certifications, assurances, and accountability and transparency provisions. The department of treasury may require any documentation necessary to ensure compliance with federal requirements.

(4) Any funds received under this section and expended by a university in any manner that does not comply with the coronavirus aid, relief, and economic security act, Public Law 116-136, or 2 CFR part 200, as applicable, must be returned to this state. If it is determined that a university receiving funds under this section expends any funds received under this section for a purpose that is not consistent with the requirements of the coronavirus aid, relief, and economic security act, Public Law 116-136, or 2 CFR part 200, as applicable, the state budget director is authorized to withhold payment of state funds, in part or in whole, payable from



1 any state appropriation under this act.

2 (5) The appropriation in this section from the federal funding
3 awarded to this state from the coronavirus relief fund under the
4 coronavirus aid, relief, and economic security act, Public Law 116-
5 136, reduces to \$0.00 the coronavirus relief fund appropriations
6 authorized in the same amounts and for the same purposes under
7 section 302 of 2020 PA 67.

8 ~~(6) A university with a fiscal year ending June 30 shall~~
9 ~~accrue the payments received under this section to that~~
10 ~~university's fiscal year ending June 30, 2020.~~

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 100th Legislature are
13 enacted into law:

14 (a) House Bill No. 5911.

15 (b) House Bill No. 5912.

