Act No. 3
Public Acts of 2021
Approved by the Governor*
March 9, 2021
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* Item Vetoes
Sec. 11o.
Entire Section.

Sec. 23d.
Entire Section.

STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021

Introduced by Reps. Paquette, Albert, Bellino, Posthumus, Hornberger, Lightner and Yaroch

ENROLLED HOUSE BILL No. 4048

AN ACT to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 11, 21f, 31n, and 167 (MCL 388.1611, 388.1621f, 388.1631n, and 388.1767), sections 11 and 31n as amended by 2020 PA 165, section 21f as amended by 2020 PA 147, and section 167 as amended by 2013 PA 122, and by adding sections 11n, 11o, 11r, 23b, 23c, 23d, 23e, and 104a.

The People of the State of Michigan enact:

Sec. 11. (1) For the fiscal year ending September 30, 2021, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of $13,759,819,500.00 from the state school aid fund, the sum of $50,964,600.00 from the general fund, an amount not to exceed $77,700,000.00 from the community district education trust fund created under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262, and an amount not to exceed $100.00 from the water emergency reserve fund. In addition, all available federal funds are appropriated for the fiscal year ending September 30, 2021.

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

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

Sec. 11n. From the federal fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $125,658,900.00 from the federal funding awarded to this state from the governor's emergency education relief (GEER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, and there is allocated for 2020-2021 an amount not to exceed $1,650,759,800.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260.

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

Sec. 11r. (1) From the federal fund money allocated under section 11n, there is allocated for 2020-2021 an amount not to exceed $1,493,410,500.00 from the federal funding awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, and from the state school aid fund money appropriated under section 11, there is allocated $136,000,000.00 for the purposes of this section.

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

(3) Except as otherwise provided in this subsection, from the federal funds allocated under subsection (1), $840,677,500.00 is allocated for payments to districts as provided under this subsection. From the funds allocated in this subsection, the department shall pay each district in proportion to the amount of funds the district received under part A of title I of the elementary and secondary education act of 1965, Public Law 103-382, in the most recent fiscal year. The funding under this subsection is a portion of the funding that is designated as subgrants to local educational agencies as provided under section 313(c) of the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260. The funds allocated in this subsection must not be paid or otherwise distributed to districts as provided for under this subsection unless House Bill No. 4049 of the 101st Legislature is enacted into law and takes effect within 14 days after House Bill No. 4049 is presented to the governor.

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

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

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

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

(d) The district pledges that it will, beginning with the first meeting after the effective date of the amendatory

act that added this subdivision, at each meeting of the board or board of directors, as applicable, of the district during which the district reconfirms how instruction is going to be delivered under section 98a, confirm that it is offering instruction to pupils as described in subdivision (b). This subdivision does not apply to a district that operates as a cyber school as that term is defined in section 551 of the revised school code, MCL 380.551.

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

(6) In order to receive funding under this section, a district must submit a spending plan to the department by not later than 45 days after the effective date of the amendatory act that added this section. A spending plan described in this subsection must include the district's estimated spending of funds received under this section for the purposes described in subsection (5), disaggregated by the type of service provided. The department shall send a report concerning the spending plans received under this subsection to the legislature.

(7) From the federal funds allocated under subsection (1), there is allocated $2,733,000.00 to the department for administrative costs in implementing this section.

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

Sec. 21f. (1) Except as otherwise provided under subsection (15), a primary district shall enroll an eligible pupil in virtual courses in accordance with the provisions of this section. Except as otherwise provided under subsection (15), a primary district shall not offer a virtual course to an eligible pupil unless the virtual course is published in the primary district's catalog of board-approved courses or in the statewide catalog of virtual courses maintained by the Michigan Virtual University pursuant to section 98. The primary district shall also provide on its publicly accessible website a link to the statewide catalog of virtual courses maintained by the Michigan Virtual University. Except as otherwise provided under subsection (15), unless the pupil is at least age 18 or is an emancipated minor, a pupil must not be enrolled in a virtual course without the consent of the pupil's parent or legal guardian.

(2) Subject to subsection (3), and except as otherwise provided under subsection (15), a primary district shall enroll an eligible pupil in up to 2 virtual courses as requested by the pupil during an academic term, semester, or trimester.

(3) Except as otherwise provided under subsection (15), a pupil may be enrolled in more than 2 virtual courses in a specific academic term, semester, or trimester if all of the following conditions are met:

(a) The primary district has determined that it is in the best interest of the pupil.

(b) The pupil agrees with the recommendation of the primary district.

(c) The primary district, in collaboration with the pupil, has developed an education development plan, in a form and manner specified by the department, that is kept on file by the district. This subdivision does not apply to a pupil enrolled as a part-time pupil under section 166b.

(4) Except as otherwise provided under subsection (15), if the number of applicants eligible for acceptance in a virtual course does not exceed the capacity of the provider to provide the virtual course, the provider shall accept for enrollment all of the applicants eligible for acceptance. If the number of applicants exceeds the provider's capacity to provide the virtual course, the provider shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders. A primary district that is also a provider shall determine whether or not it has the capacity to accept applications for enrollment from nonresident applicants in virtual courses and may use that limit as the reason for refusal to enroll a nonresident applicant.

(5) Except as otherwise provided under subsection (15), a primary district may not establish additional requirements beyond those specified in this subsection that would prohibit a pupil from taking a virtual course. Except as otherwise provided under subsection (15), a pupil's primary district may deny the pupil enrollment in a virtual course if any of the following apply, as determined by the district:

(a) The pupil is enrolled in any of grades K to 5.

(b) The pupil has previously gained the credits that would be provided from the completion of the virtual

course.

(c) The virtual course is not capable of generating academic credit.

(d) The virtual course is inconsistent with the remaining graduation requirements or career interests of the pupil.

(e) The pupil has not completed the prerequisite coursework for the requested virtual course or has not demonstrated proficiency in the prerequisite course content.

(f) The pupil has failed a previous virtual course in the same subject during the 2 most recent academic years.

(g) The virtual course is of insufficient quality or rigor. A primary district that denies a pupil enrollment request for this reason shall enroll the pupil in a virtual course in the same or a similar subject that the primary district determines is of acceptable rigor and quality.

(h) The cost of the virtual course exceeds the amount identified in subsection (10), unless the pupil or the pupil's parent or legal guardian agrees to pay the cost that exceeds this amount.

(i) The request for a virtual course enrollment did not occur within the same timelines established by the primary district for enrollment and schedule changes for regular courses.

(j) The request for a virtual course enrollment was not made in the academic term, semester, trimester, or summer preceding the enrollment. This subdivision does not apply to a request made by a pupil who is newly enrolled in the primary district.

(6) Except as otherwise provided under subsection (15), if a pupil is denied enrollment in a virtual course by the pupil's primary district, the primary district shall provide written notification to the pupil of the denial, the reason or reasons for the denial under subsection (5), and a description of the appeal process. The pupil may appeal the denial by submitting a letter to the superintendent of the intermediate district in which the pupil's primary district is located. The letter of appeal must include the reason provided by the primary district for not enrolling the pupil and the reason why the pupil is claiming that the enrollment should be approved. The intermediate district superintendent or designee shall respond to the appeal within 5 days after it is received. If the intermediate district superintendent or designee determines that the denial of enrollment does not meet 1 or more of the reasons specified in subsection (5), the primary district shall enroll the pupil in the virtual course.

(7) Except as otherwise provided under subsection (15), to provide a virtual course to an eligible pupil under this section, a provider must do all of the following:

(a) Ensure that the virtual course has been published in the pupil's primary district's catalog of board-approved courses or published in the statewide catalog of virtual courses maintained by the Michigan Virtual University.

(b) Assign to each pupil a teacher of record and provide the primary district with the personnel identification code assigned by the center for the teacher of record. If the provider is a community college, the virtual course must be taught by an instructor employed by or contracted through the providing community college.

(c) Offer the virtual course on an open entry and exit method, or aligned to a semester, trimester, or accelerated academic term format.

(d) If the virtual course is offered to eligible pupils in more than 1 district, the following additional requirements must also be met:

(*i*) Provide the Michigan Virtual University with a course syllabus that meets the definition under subsection (14)(g) in a form and manner prescribed by the Michigan Virtual University for inclusion in a statewide catalog of virtual courses.

(*ii*) Not later than October 1 of each fiscal year, provide the Michigan Virtual University with an aggregated count of enrollments for each virtual course the provider delivered to pupils under this section during the immediately preceding school year, and the number of enrollments in which the pupil earned 60% or more of the total course points for each virtual course.

(8) Except as otherwise provided under subsection (15), to provide a virtual course under this section, a community college shall ensure that each virtual course it provides under this section generates postsecondary credit.

(9) Except as otherwise provided under subsection (15), for any virtual course a pupil enrolls in under this section, the pupil's primary district must assign to the pupil a mentor and shall supply the provider with the mentor's contact information.

(10) Except as otherwise provided under subsection (15), for a pupil enrolled in 1 or more virtual courses, the primary district shall use foundation allowance or per-pupil funds calculated under section 20 to pay for the expenses associated with the virtual course or courses. Except as otherwise provided under subsection (15), a primary district is not required to pay toward the cost of a virtual course an amount that exceeds 6.67% of the minimum foundation allowance for the current fiscal year as calculated under section 20.

(11) A virtual learning pupil has the same rights and access to technology in his or her primary district's school facilities as all other pupils enrolled in the pupil's primary district. The department shall establish standards for hardware, software, and internet access for pupils who are enrolled in more than 2 virtual courses under this section in an academic term, semester, or trimester taken at a location other than a school facility.

(12) If a pupil successfully completes a virtual course, as determined by the pupil's primary district, the pupil's primary district shall grant appropriate academic credit for completion of the course and shall count that credit toward completion of graduation and subject area requirements. A pupil's school record and transcript must identify the virtual course title as it appears in the virtual course syllabus.

(13) The enrollment of a pupil in 1 or more virtual courses must not result in a pupil being counted as more than 1.0 full-time equivalent pupils under this article. Except as otherwise provided under subsection (15), the minimum requirements to count the pupil in membership are those established by the pupil accounting manual as it was in effect for the 2015-2016 school year or as subsequently amended by the department if the department notifies the legislature about the proposed amendment at least 60 days before the amendment becomes effective.

(14) As used in this section:

(a) "Instructor" means an individual who is employed by or contracted through a community college.

(b) "Mentor" means a professional employee of the primary district who monitors the pupil's progress, ensures the pupil has access to needed technology, is available for assistance, and ensures access to the teacher of record. A mentor may also serve as the teacher of record if the primary district is the provider for the virtual course and the mentor meets the requirements under subdivision (e).

(c) "Primary district" means the district that enrolls the pupil and reports the pupil for pupil membership purposes.

(d) "Provider" means the district, intermediate district, or community college that the primary district pays to provide the virtual course or the Michigan Virtual University if it is providing the virtual course. Beginning on the first day of the 2020-2021 school year through August 31, 2021, "provider" also includes any other institution or individual that the primary district pays to provide the virtual course.

(e) "Teacher of record" means a teacher who meets all of the following:

(*i*) Holds a valid Michigan teaching certificate or a teaching permit recognized by the department.

(*ii*) If applicable, is endorsed in the subject area and grade of the virtual course.

(*iii*) Is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies.

(*iv*) Has a personnel identification code provided by the center.

(*v*) If the provider is a community college, is an instructor employed by or contracted through the providing community college.

(f) "Virtual course" means a course of study that is capable of generating a credit or a grade and that is provided in an interactive learning environment where the majority of the curriculum is delivered using the internet and in which pupils may be separated from their instructor or teacher of record by time or location, or both.

(g) "Virtual course syllabus" means a document that includes all of the following:

(*i*) An alignment document detailing how the course meets applicable state standards or, if the state does not have state standards, nationally recognized standards.

(*ii*) The virtual course content outline.

(*iii*) The virtual course required assessments.

(*iv*) The virtual course prerequisites.

(*v*) Expectations for actual instructor or teacher of record contact time with the virtual learning pupil and other communications between a pupil and the instructor or teacher of record.

(*vi*) Academic support available to the virtual learning pupil.

(*vii*) The virtual course learning outcomes and objectives.

(*viii*) The name of the institution or organization providing the virtual content.

(*ix*) The name of the institution or organization providing the instructor or teacher of record.

(*x*) The course titles assigned by the provider and the course titles and course codes from the National Center for Education Statistics (NCES) school codes for the exchange of data (SCED).

(*xi*) The number of eligible pupils that will be accepted by the provider in the virtual course. A primary district

that is also the provider may limit the enrollment to those pupils enrolled in the primary district.

(*xii*) The results of the virtual course quality review using the guidelines and model review process published by the Michigan Virtual University.

(h) "Virtual learning pupil" means a pupil enrolled in 1 or more virtual courses.

(15) The requirements under this section concerning virtual courses do not apply to virtual courses offered as part of pandemic learning. As used in this subsection, "pandemic learning" means a mode of pupil instruction provided as a result of the COVID-19 pandemic.

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

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

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

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

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

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

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

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

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

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

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

(A) A description of the summer program.

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

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

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

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

(A) A description of the credit recovery program.

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

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

(D) A statement indicating whether or not the district or intermediate district is requesting that the credit recovery program be designated as innovative under subsection (11) and the reasons the district or intermediate

district believes its program is innovative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) If funds allocated under this section for summer programs that are offered as part of COVID-19 remediation services under this section are insufficient to fully fund calculations under this section, the department shall apply proration of an equal dollar amount per eligible pupil in a summer program. If funds allocated under this section for credit recovery programs that are offered as part of COVID-19 remediation services under this section are insufficient to fully fund calculations under this section, the department shall apply proration of an equal dollar amount per eligible pupil in a credit recovery program. If funds allocated under this section for before-school, after-school, or before-and-after school programs that are offered as part of COVID-19 remediation services under this section are insufficient to fully fund calculations under this section, the department shall apply proration in equal proportion to the amount the eligible district or eligible intermediate district would have received under this section for that program but for the application of proration under this subsection. If funds specifically allocated under this section for summer programs and credit recovery programs that are offered as part of COVID-19 remediation services under this section that have been designated as innovative under subsection (11) are insufficient to fully fund calculations under this section, the department shall apply proration of an equal dollar amount per eligible pupil in the program or programs described in this sentence.

(8) In awarding funding under this section, the department shall prioritize funding under this section that is distributed for before-school, after-school, and before-and-after school programs offered as part of COVID-19

remediation services under this section to the following eligible districts or eligible intermediate districts that offer those programs as part of their COVID-19 remediation services:

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

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

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

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

(10) If, in its application for funding under this section, an eligible district or eligible intermediate district submits the potential number of eligible pupils that will enroll in its summer program as described in subsection (4)(b)(*i*), potential number of eligible pupils that will enroll in its credit recovery program as described in subsection (4)(b)(*ii*), or potential number of eligible pupils that will enroll in its before-school, after-school, or before-and-after school program as described in subsection (4)(b)(*iii*), as applicable, and the eligible district or eligible intermediate district receives funding under this section based on those estimations, by June 15, 2021, the eligible district or eligible intermediate district shall submit the number of pupils who actually enrolled in the eligible district's or eligible intermediate district's summer program, credit recovery program, or before-school, after-school, or before-and-after school program. If the eligible district or eligible intermediate district received an overpayment of funds under this section based on its submitted estimates of eligible pupils as described in this subsection, as determined by the department, the eligible district or eligible intermediate district shall refund the department in the amount of the overpayment.

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

(a) Community-based projects.

(b) Integrated kinesthetic or cognitive growth programs.

(c) STEM-based programs.

(d) Outdoor or adventure-based programs.

(e) Any programs that integrate public and private partnerships.

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

(13) As used in this section:

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

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

(*i*) A summer program.

(*ii*) A credit recovery program.

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

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

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

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

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

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

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

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

(A) Any of the following apply:

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

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

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

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

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

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

(B) Any of the following apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 23c. (1) From the federal fund money allocated under section 11n awarded to this state from the governor's emergency education relief (GEER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $21,309,900.00 for payments to eligible districts or eligible intermediate districts described in subsection (3) to be used in the manner described in subsection (4).

(2) To receive funding under this section, a district or intermediate district must apply for the funding in a form and manner prescribed by the department.

(3) A district or intermediate district that meets all of the following is an eligible district or eligible intermediate district under this section:

(a) The district or intermediate district is providing a summer program, credit recovery program, or both of these programs, as part of COVID-19 remediation services under section 23b.

(b) The district or intermediate district agrees to pay each eligible teacher and eligible support staff member the payment described in subsection (3) by not later than 30 days after receiving the disbursement of funds under this section from the department.

(c) In its application for funding under this section, the district or intermediate district includes the number of eligible teachers and eligible support staff members it intends to provide a payment to under subsection (4).

(4) An eligible district or eligible intermediate district that receives funding under this section shall only use that funding as follows:

(a) To provide a payment of $1,000.00 to each eligible teacher.

(b) To provide a payment of $250.00 to each eligible support staff member.

(5) An eligible teacher or eligible support staff member must not receive more than 1 payment under subsection (4). An eligible teacher or eligible support staff member who is assigned to teach in or assigned to provide his or her services for both a summer program and credit recovery program that is offered as part of COVID-19 remediation services under section 23b is subject to this subsection and must only receive 1 payment under subsection (4).

(6) If funds allocated under this section are insufficient to fully fund calculations under this section, the department shall apply proration in equal proportion to the amount the eligible district or eligible intermediate district would have received under this section for eligible teachers and eligible support staff members but for the application of proration under this subsection.

(7) Notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.

(8) As used in this section:

(a) "Eligible support staff member" means an individual to whom both of the following apply:

(*i*) The individual is employed by or assigned to work at the eligible district or eligible intermediate district described in subsection (3).

(*ii*) The individual is assigned to provide his or her services as part of a summer program, credit recovery program, or both offered as part of COVID-19 remediation services described in section 23b.

(b) "Eligible teacher" means an individual to whom both of the following apply:

(*i*) The individual holds a valid Michigan teaching certificate or is otherwise permitted to teach in the public schools of this state under law.

(*ii*) The individual is employed by or assigned to work at the eligible district or eligible intermediate district described in subsection (3).

(*iii*) The individual is assigned to teach in a summer program, credit recovery program, or both offered as part of COVID-19 remediation services described in section 23b.

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

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

2021.

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

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

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

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

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

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

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

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

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

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

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

Sec. 23e. (1) From the federal fund money allocated under section 11n awarded to this state from the governor's emergency education relief (GEER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $5,000,000.00. The department shall develop a competitive grant program to distribute this funding to eligible entities described in subsection (3) as described under this section.

(2) To receive funding under this section, an entity must apply for the funding in a form and manner prescribed by the department.

(3) An entity that meets eligibility criteria established by the department for purposes of receiving grant funding under this section is an eligible entity under this section. The eligibility criteria described in this subsection must establish that an entity must meet at least all of the following requirements to receive grant funding under this section:

(a) Serves children in kindergarten or any or all of grades 1 to 8, or both.

(b) Is a community-based organization that is exempt from federal income tax under section 501(c)(3) of the internal revenue code, 26 USC 501.

(c) Provides before-school, after-school, or before-and-after school programming to children described in subdivision (a).

(4) The department shall determine the amount of grant funding under this section that will be paid to each eligible entity. However, in determining the amounts under this subsection, the department shall ensure that both of the following are applied in its determinations:

(a) To the extent practicable, the department shall ensure that all eligible entities in all geographic regions of this state are represented in the distribution of grant funding under this section. This subdivision does not require the department to award grant funding under this section to eligible entities in all geographic regions of this state.

(b) The department shall prioritize distributing grant funding under this section to eligible entities that are located within districts or intermediate districts that do not provide the before-school, after-school, or before-and-after school programming provided by the eligible entity.

(5) An eligible entity that receives grant funding under this section shall use the funding only to provide before-school, after-school, or before-and-after school programming to children described in subsection (3)(a). The programming offered under this subsection must meet both of the following:

(a) Be provided to children in a manner in which the children are in person at a building designated by the eligible entity. As used in this subdivision, "in person" means physically present.

(b) Provide educational programming in core subject areas, including, but not limited to, mathematics, reading, and science.

(6) Notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.

Sec. 31n. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2020-2021 for the purposes of this section an amount not to exceed $55,600,000.00 and from the general fund money appropriated in section 11, there is allocated for 2020-2021 for the purposes of this section an amount not to exceed $1,300,000.00. The department and the department of health and human services shall continue a program to distribute this funding to add licensed behavioral health providers for general education pupils, and shall continue to seek federal Medicaid match funding for all eligible mental health and support services.

(2) The department and the department of health and human services shall maintain an advisory council for programs funded under this section. The advisory council shall define goals for implementation of programs funded under this section, and shall provide feedback on that implementation. At a minimum, the advisory council shall consist of representatives of state associations representing school health, school mental health, school counseling, education, health care, and other organizations, representatives from the department and the department of health and human services, and a representative from the school safety task force created under Executive Order No. 2018-5. The department and department of health and human services, working with the advisory council, shall determine an approach to increase capacity for mental health and support services in schools for general education pupils, and shall determine where that increase in capacity qualifies for federal Medicaid match funding.

(3) The advisory council shall develop a fiduciary agent checklist for intermediate districts to facilitate development of a plan to submit to the department and to the department of health and human services. The department and department of health and human services shall determine the requirements and format for intermediate districts to submit a plan for possible funding under subsection (5). The department shall make applications for funding for this program available to districts and intermediate districts not later than December 1, 2020 for the 2020-2021 fiscal year and shall award the funding not later than February 1, 2021 for the 2020-2021 fiscal year.

(4) The department of health and human services shall seek to amend the state Medicaid plan or obtain appropriate Medicaid waivers as necessary for the purpose of generating additional Medicaid match funding for school mental health and support services for general education pupils. The intent is that a successful state plan amendment or other Medicaid match mechanisms will result in additional federal Medicaid match funding for both the new funding allocated under this section and for any expenses already incurred by districts and intermediate districts for mental health and support services for general education pupils.

(5) From the state school aid fund money allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $9,300,000.00 to be distributed to the network of child and adolescent health centers to place a licensed master's level behavioral health provider in schools that do not currently have services available to general education students. Child and adolescent health centers that are part of the network described in this subsection shall provide a commitment to maintain services and implement all available federal Medicaid match methodologies. The department of health and human services shall use all existing or additional federal Medicaid match opportunities to maximize funding allocated under this subsection. The department shall provide funds under this subsection to child and adolescent health centers that are part of the network described in this subsection in the same proportion that funding under section 31a(7) is provided to child and adolescent health centers that are part of the network described in this subsection and that are located and operating in those districts. A payment from funding allocated under this subsection must not be paid to an entity that is not part of the network described in this subsection.

(6) From the state school aid fund money allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $45,800,000.00 to be distributed to intermediate districts for the provision of mental health and support services to general education students. From the funds allocated under this subsection, the department shall distribute $817,800.00 for 2020-2021 to each intermediate district that submits a plan approved

by the department and the department of health and human services. The department and department of health and human services shall work cooperatively in providing oversight and assistance to intermediate districts during the plan submission process and shall monitor the program upon implementation. An intermediate district shall use funds awarded under this subsection to provide funding to its constituent districts, including public school academies that are considered to be constituent districts under section 705(7) of the revised school code, MCL 380.705, for the provision of mental health and support services to general education students. In addition to the criteria identified under subsection (7), an intermediate district shall consider geography, cost, or other challenges when awarding funding to its constituent districts. For 2020-2021 only, even if grants under this subsection have already been received by constituent districts of an intermediate district under this subsection, the intermediate district may award additional grants to its constituent districts from funding allocated through the amendatory act that added this sentence, based on applications as described in subsection (7) that have already been submitted for the fiscal year, and, if a constituent district did not apply for initial grants as described in subsection (7) before the effective date of the amendatory act that added this sentence and asks to apply for the additional grants described in this sentence, the intermediate district must allow the constituent district to submit an application for the additional grant funding. If funding awarded to an intermediate district remains after funds are provided by the intermediate district to its constituent districts, the intermediate district may hire or contract for experts to provide mental health and support services to general education students residing within the boundaries of the intermediate district, including, but not limited to, expanding, hiring, or contracting for staff and experts to provide those services directly or to increase access to those services through coordination with outside mental health agencies.

(7) A district requesting funds under this section from the intermediate district in which it is located shall submit an application for funding for the provision of mental health and support services to general education pupils. A district receiving funding from the application process described in this subsection shall provide services to nonpublic students upon request. An intermediate district shall not discriminate against an application submitted by a public school academy simply on the basis of the applicant being a public school academy. The department shall approve grant applications based on the following criteria:

(a) The district's commitment to maintain mental health and support services delivered by licensed providers into future fiscal years.

(b) The district's commitment to work with its intermediate district to use funding it receives under this section that is spent by the district for general education pupils toward participation in federal Medicaid match methodologies. A district must provide a local match of at least 20% of the funding allocated to the district under section 31n.

(c) The district's commitment to adhere to any local funding requirements determined by the department and the department of health and human services.

(d) The extent of the district's existing partnerships with community health care providers or the ability of the district to establish such partnerships.

(e) The district's documentation of need, including gaps in current mental health and support services for the general education population.

(f) The district's submission of a formal plan of action identifying the number of schools and students to be served.

(g) Whether the district will participate in ongoing trainings.

(h) Whether the district will submit an annual report to the state.

(i) Whether the district demonstrates a willingness to work with the state to establish program and service delivery benchmarks.

(j) Whether the district has developed a school safety plan or is in the process of developing a school safety plan.

(k) Any other requirements determined by the department or the department of health and human services.

(8) Funding under this section, including any federal Medicaid funds that are generated, must not be used to supplant existing services.

(9) Both of the following are allocated to the department of health and human services from the general fund money allocated under subsection (1):

(a) For 2020-2021, an amount not to exceed $1,000,000.00 for the purpose of upgrading technology and systems infrastructure and other administrative requirements to support the programs funded under this section.

(b) For 2020-2021, an amount not to exceed $300,000.00 for the purpose of administering the programs under this section and working on generating additional Medicaid funds as a result of programs funded under this

section.

(10) From the state school aid fund money allocated under subsection (1), there is allocated for 2020-2021 an amount not to exceed $500,000.00 to intermediate districts on an equal per intermediate district basis for the purpose of administering programs funded under this section.

(11) The department and the department of health and human services shall work with the advisory council to develop proposed measurements of outcomes and performance. Those measurements must include, at a minimum, the number of pupils served, the number of schools served, and where those pupils and schools were located. The department and the department of health and human services shall compile data necessary to measure outcomes and performance, and districts and intermediate districts receiving funding under this section shall provide data requested by the department and department of health and human services for the measurement of outcomes and performance. The department and department of health and human services shall provide an annual report not later than December 1 of each year to the house and senate appropriations subcommittees on state school aid and health and human services, to the house and senate fiscal agencies, and to the state budget director. At a minimum, the report must include measurements of outcomes and performance, proposals to increase efficacy and usefulness, proposals to increase performance, and proposals to expand coverage.

(12) Beginning with 2018-2019, a district or intermediate district that receives funding directly or indirectly under this section may carry over any unexpended funds received under this section for up to 2 fiscal years beyond the fiscal year in which the funds were received.

Sec. 104a. (1) From the federal fund money allocated under section 11n awarded to this state from the governor's emergency education relief (GEER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $2,572,000.00, and from the federal fund money allocated under section 11n awarded to this state from the elementary and secondary school emergency relief (ESSER) fund under the coronavirus response and relief supplemental appropriations act, 2021, division M of Public Law 116-260, there is allocated for 2020-2021 an amount not to exceed $4,949,300.00, and from the state school aid fund money appropriated under section 11, there is allocated for 2020-2021 an amount not to exceed $4,197,900.00 to districts to begin implementation of a benchmark assessment system for the 2021-2022 school year. All of the following apply to the benchmark assessment system described in this subsection:

(a) The system must provide for all of the following:

(*i*) That, within the first 9 weeks of the 2021-2022 school year, the district shall administer 1 or more benchmark assessments provided by a provider approved under section 104(9), benchmark assessments described in subdivision (b), or local benchmark assessments, or any combination thereof, to all pupils in grades K to 8 to measure proficiency in reading and mathematics.

(*ii*) That, in addition to the benchmark assessment or benchmark assessments administered under subparagraph (*i*), by not later than the last day of the 2021-2022 school year, the district shall administer 1 or more benchmark assessments provided by a provider approved under section 104(9), benchmark assessments described in subdivision (b), or local benchmark assessments, or any combination thereof, to all pupils in grades K to 8 to measure proficiency in reading and mathematics.

(b) A district may administer 1 or more of the following benchmark assessments toward meeting the requirements under subdivision (a):

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

(*ii*) A benchmark assessment in math for students in grades K to 8 that contains progress monitoring tools.

(c) The system must provide that, to the extent practicable, if a district administers a benchmark assessment or benchmark assessments under this section, the district shall administer the same benchmark assessment or benchmark assessments provided by a provider approved under section 104(9), benchmark assessment or benchmark assessments described in subdivision (b), or local benchmark assessment or local benchmark assessments that it administered to pupils in previous school years, as applicable.

(d) The system must provide that, if a district administers a benchmark assessment or benchmark assessments under this section, the district shall provide each pupil's data from the benchmark assessment or benchmark assessments, as available, to the pupil's parent or legal guardian within 30 days of administering the benchmark assessment or benchmark assessments.

(e) The system must provide that, if a local benchmark assessment or local benchmark assessments are

administered under subdivision (a), the district shall report to the department and the center, in a form and manner prescribed by the center, the local benchmark assessment or local benchmark assessments that were administered and how that assessment or those assessments measure changes, including any losses, as applicable, in learning, and the district's plan for addressing any losses in learning.

(f) The system must provide that, by not later than 30 days after a benchmark assessment or benchmark assessments are administered as described in this subsection, the district shall send benchmark assessment data, excluding data from a local benchmark assessment, as applicable, aggregated by grade level to the department. If available, the data described in this subdivision must include information concerning pupil growth from fall 2020 to fall 2021.

(2) To receive funding under this section, a district must apply for the funding in a form and manner prescribed by the department.

(3) The department shall pay an amount equal to $12.50 per membership pupil in grades K to 8 in the district to each district that applies for funding under this section.

(4) The department shall make 1 of the benchmark assessments provided by a provider approved under section 104(9) available to districts at no cost to the districts for purposes of meeting the requirements under this section. The benchmark assessment described in this subsection must meet all of the following:

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

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

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

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

(e) Provide timely feedback to pupils and teachers.

(f) Be nationally normed.

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

(5) By not later than December 31, 2021, the department shall submit a report to the house and senate appropriations committees, the house and senate appropriations subcommittees on school aid, and the house and senate fiscal agencies regarding the benchmark assessment data received under this section, disaggregated by grade level for each district. If information concerning pupil growth is included in the data described in this subsection, it must be incorporated in the report described in this subsection.

Sec. 167. (1) The department in cooperation with the department of health and human services shall develop plans to assist districts, intermediate districts, and local county health departments to comply with section 1177 of the revised school code, MCL 380.1177, and section 9209 of the public health code, 1978 PA 368, MCL 333.9209, for each school year.

(2) Each district or intermediate district shall report to the local health department in which it is located by November 1 of each fiscal year, in a manner prescribed by the department of health and human services, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 and September 30 of the immediately preceding fiscal year. Not later than December 31 of each fiscal year, the department of health and human services shall notify the department by district or intermediate district of the percentage of entering pupils and of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 90% of the district's or intermediate district's entering pupils, as recorded in the November 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 90% of its pupils who enrolled in the district or intermediate district for the first time.

(3) Each district or intermediate district shall again report to the local health department in which it is located by February 1 of each fiscal year, in a manner prescribed by the department of health and human services, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 of the immediately preceding fiscal year and December 31 of the current fiscal year. Not later than March 31 of each fiscal year, the department of health and human services shall notify the department by district

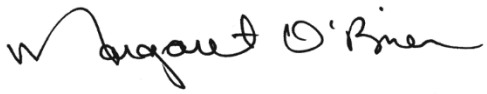
or intermediate district of the percentage of entering pupils and of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 95% of the district's or intermediate district's entering pupils, as recorded in the February 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 95% of its pupils who enrolled in the district or intermediate district for the first time. If the department of health and human services is not able to report to the department by March 31 because a district or intermediate district fails to submit a report as required in this subsection, or submits an incomplete, inaccurate, or late report, the district or intermediate district is subject to subsection (4) until the report is submitted in a complete and accurate form.

(4) Except as otherwise provided in this subsection, if a district or intermediate district does not comply with this section, the department shall withhold 5% of the total funds due to the district or intermediate district under this act after the date the department of health and human services reports a district's or intermediate district's noncompliance with this section to the department until the district or intermediate district complies with this section. Except as otherwise provided in this subsection, if the district or intermediate district does not comply with this section by the end of the fiscal year, the district or intermediate district forfeits the total amount withheld. For the 2020-2021 fiscal year only, this subsection does not apply.

Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 147, 2020 PA 148, 2020 PA 149, 2020 PA 165, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,888,484,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,716,487,100.00.

This act is ordered to take immediate effect.

Clerk of the House of Representatives



Secretary of the Senate

Approved_____

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Governor