

**SUBSTITUTE FOR
SENATE BILL NO. 873**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 101 (MCL 388.1701), as amended by 2019 PA 58,
and by adding section 296a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) To be eligible to receive state aid under this
2 article, not later than the fifth Wednesday after the pupil
3 membership count day and not later than the fifth Wednesday after
4 the supplemental count day, each district superintendent shall
5 submit and certify to the center and the intermediate
6 superintendent, in the form and manner prescribed by the center,
7 the number of pupils enrolled and in regular daily attendance,
8 including identification of tuition-paying pupils, in the district



1 as of the pupil membership count day and as of the supplemental
2 count day, as applicable, for the current school year. In addition,
3 a district maintaining school during the entire year shall submit
4 and certify to the center and the intermediate superintendent, in
5 the form and manner prescribed by the center, the number of pupils
6 enrolled and in regular daily attendance in the district for the
7 current school year pursuant to rules promulgated by the
8 superintendent. Not later than the sixth Wednesday after the pupil
9 membership count day and not later than the sixth Wednesday after
10 the supplemental count day, the district shall resolve any pupil
11 membership conflicts with another district, correct any data
12 issues, and recertify the data in a form and manner prescribed by
13 the center and file the certified data with the intermediate
14 superintendent. If a district fails to submit and certify the
15 attendance data, as required under this subsection, the center
16 shall notify the department and the department shall withhold state
17 aid due to be distributed under this article from the defaulting
18 district immediately, beginning with the next payment after the
19 failure and continuing with each payment until the district
20 complies with this subsection. If a district does not comply with
21 this subsection by the end of the fiscal year, the district
22 forfeits the amount withheld. A person who willfully falsifies a
23 figure or statement in the certified and sworn copy of enrollment
24 is subject to penalty as prescribed by section 161.

25 (2) To be eligible to receive state aid under this article,
26 not later than the twenty-fourth Wednesday after the pupil
27 membership count day and not later than the twenty-fourth Wednesday
28 after the supplemental count day, an intermediate district shall
29 submit to the center, in a form and manner prescribed by the



1 center, the audited enrollment and attendance data for the pupils
2 of its constituent districts and of the intermediate district. If
3 an intermediate district fails to submit the audited data as
4 required under this subsection, the department shall withhold state
5 aid due to be distributed under this article from the defaulting
6 intermediate district immediately, beginning with the next payment
7 after the failure and continuing with each payment until the
8 intermediate district complies with this subsection. If an
9 intermediate district does not comply with this subsection by the
10 end of the fiscal year, the intermediate district forfeits the
11 amount withheld.

12 (3) Except as otherwise provided in subsections (11) and (12),
13 all of the following apply to the provision of pupil instruction:

14 (a) Except as otherwise provided in this section, each
15 district shall provide at least 1,098 hours and 180 days of pupil
16 instruction.

17 If a collective bargaining agreement that provides a complete
18 school calendar was in effect for employees of a district as of
19 June 24, 2014, and if that school calendar is not in compliance
20 with this subdivision, then this subdivision does not apply to that
21 district until after the expiration of that collective bargaining
22 agreement. A district may apply for a waiver under subsection (9)
23 from the requirements of this subdivision.

24 (b) Except as otherwise provided in this article, a district
25 failing to comply with the required minimum hours and days of pupil
26 instruction under this subsection forfeits from its total state aid
27 allocation an amount determined by applying a ratio of the number
28 of hours or days the district was in noncompliance in relation to
29 the required minimum number of hours and days under this



1 subsection. Not later than August 1, the board of each district
2 shall either certify to the department that the district was in
3 full compliance with this section regarding the number of hours and
4 days of pupil instruction in the previous school year, or report to
5 the department, in a form and manner prescribed by the center, each
6 instance of noncompliance. If the district did not provide at least
7 the required minimum number of hours and days of pupil instruction
8 under this subsection, the department shall make the deduction of
9 state aid in the following fiscal year from the first payment of
10 state school aid. A district is not subject to forfeiture of funds
11 under this subsection for a fiscal year in which a forfeiture was
12 already imposed under subsection (6).

13 (c) Hours or days lost because of strikes or teachers'
14 conferences are not counted as hours or days of pupil instruction.

15 (d) Except as otherwise provided in subdivisions (e) and (f),
16 if a district does not have at least 75% of the district's
17 membership in attendance on any day of pupil instruction, the
18 department shall pay the district state aid in that proportion of
19 $1/180$ that the actual percent of attendance bears to 75%.

20 (e) If a district adds 1 or more days of pupil instruction to
21 the end of its instructional calendar for a school year to comply
22 with subdivision (a) because the district otherwise would fail to
23 provide the required minimum number of days of pupil instruction
24 even after the operation of subsection (4) due to conditions not
25 within the control of school authorities, then subdivision (d) does
26 not apply for any day of pupil instruction that is added to the end
27 of the instructional calendar. Instead, for any of those days, if
28 the district does not have at least 60% of the district's
29 membership in attendance on that day, the department shall pay the



1 district state aid in that proportion of 1/180 that the actual
2 percentage of attendance bears to 60%. For any day of pupil
3 instruction added to the instructional calendar as described in
4 this subdivision, the district shall report to the department the
5 percentage of the district's membership that is in attendance, in
6 the form and manner prescribed by the department.

7 (f) At the request of a district that operates a department-
8 approved alternative education program and that does not provide
9 instruction for pupils in all of grades K to 12, the superintendent
10 shall grant a waiver from the requirements of subdivision (d). The
11 waiver must provide that an eligible district is subject to the
12 proration provisions of subdivision (d) only if the district does
13 not have at least 50% of the district's membership in attendance on
14 any day of pupil instruction. In order to be eligible for this
15 waiver, a district must maintain records to substantiate its
16 compliance with the following requirements:

17 (i) The district offers the minimum hours of pupil instruction
18 as required under this section.

19 (ii) For each enrolled pupil, the district uses appropriate
20 academic assessments to develop an individual education plan that
21 leads to a high school diploma.

22 (iii) The district tests each pupil to determine academic
23 progress at regular intervals and records the results of those
24 tests in that pupil's individual education plan.

25 (g) All of the following apply to a waiver granted under
26 subdivision (f):

27 (i) If the waiver is for a blended model of delivery, a waiver
28 that is granted for the 2011-2012 fiscal year or a subsequent
29 fiscal year remains in effect unless it is revoked by the



1 superintendent.

2 (ii) If the waiver is for a 100% online model of delivery and
3 the educational program for which the waiver is granted makes
4 educational services available to pupils for a minimum of at least
5 1,098 hours during a school year and ensures that each pupil
6 participates in the educational program for at least 1,098 hours
7 during a school year, a waiver that is granted for the 2011-2012
8 fiscal year or a subsequent fiscal year remains in effect unless it
9 is revoked by the superintendent.

10 (iii) A waiver that is not a waiver described in subparagraph
11 (i) or (ii) is valid for 1 fiscal year and must be renewed annually
12 to remain in effect.

13 (h) The superintendent shall promulgate rules for the
14 implementation of this subsection.

15 (4) Except as otherwise provided in this subsection, the first
16 6 days or the equivalent number of hours for which pupil
17 instruction is not provided because of conditions not within the
18 control of school authorities, such as severe storms, fires,
19 epidemics, utility power unavailability, water or sewer failure, or
20 health conditions as defined by the city, county, or state health
21 authorities, are counted as hours and days of pupil instruction.
22 For 2018-2019 only, in addition to these 6 days, if pupil
23 instruction is not provided on 1 or more days that are included in
24 a period for which the governor has issued an executive order
25 declaring a state of emergency across this state, upon request by a
26 district to the superintendent of public instruction, in a form and
27 manner prescribed by the department, that 1 or more of those days
28 and the equivalent number of hours count as days and hours of pupil
29 instruction, the department shall count those requested days and



1 the equivalent number of hours as days and hours of pupil
2 instruction for the purposes of this section. For 2018-2019, the
3 days included in the executive order are January 29, 2019 to
4 February 2, 2019. With the approval of the superintendent of public
5 instruction, the department shall count as hours and days of pupil
6 instruction for a fiscal year not more than 3 additional days or
7 the equivalent number of additional hours for which pupil
8 instruction is not provided in a district due to unusual and
9 extenuating occurrences resulting from conditions not within the
10 control of school authorities such as those conditions described in
11 this subsection. Subsequent such hours or days are not counted as
12 hours or days of pupil instruction.

13 (5) A district does not forfeit part of its state aid
14 appropriation because it adopts or has in existence an alternative
15 scheduling program for pupils in kindergarten if the program
16 provides at least the number of hours required under subsection (3)
17 for a full-time equated membership for a pupil in kindergarten as
18 provided under section 6(4).

19 (6) In addition to any other penalty or forfeiture under this
20 section, if at any time the department determines that 1 or more of
21 the following have occurred in a district, the district forfeits in
22 the current fiscal year beginning in the next payment to be
23 calculated by the department a proportion of the funds due to the
24 district under this article that is equal to the proportion below
25 the required minimum number of hours and days of pupil instruction
26 under subsection (3), as specified in the following:

27 (a) The district fails to operate its schools for at least the
28 required minimum number of hours and days of pupil instruction
29 under subsection (3) in a school year, including hours and days



1 counted under subsection (4).

2 (b) The board of the district takes formal action not to
3 operate its schools for at least the required minimum number of
4 hours and days of pupil instruction under subsection (3) in a
5 school year, including hours and days counted under subsection (4).

6 (7) In providing the minimum number of hours and days of pupil
7 instruction required under subsection (3), a district shall use the
8 following guidelines, and a district shall maintain records to
9 substantiate its compliance with the following guidelines:

10 (a) Except as otherwise provided in this subsection, a pupil
11 must be scheduled for at least the required minimum number of hours
12 of instruction, excluding study halls, or at least the sum of 90
13 hours plus the required minimum number of hours of instruction,
14 including up to 2 study halls.

15 (b) The time a pupil is assigned to any tutorial activity in a
16 block schedule may be considered instructional time, unless that
17 time is determined in an audit to be a study hall period.

18 (c) Except as otherwise provided in this subdivision, a pupil
19 in grades 9 to 12 for whom a reduced schedule is determined to be
20 in the individual pupil's best educational interest must be
21 scheduled for a number of hours equal to at least 80% of the
22 required minimum number of hours of pupil instruction to be
23 considered a full-time equivalent pupil. A pupil in grades 9 to 12
24 who is scheduled in a 4-block schedule may receive a reduced
25 schedule under this subsection if the pupil is scheduled for a
26 number of hours equal to at least 75% of the required minimum
27 number of hours of pupil instruction to be considered a full-time
28 equivalent pupil.

29 (d) If a pupil in grades 9 to 12 who is enrolled in a



1 cooperative education program or a special education pupil cannot
2 receive the required minimum number of hours of pupil instruction
3 solely because of travel time between instructional sites during
4 the school day, that travel time, up to a maximum of 3 hours per
5 school week, is considered to be pupil instruction time for the
6 purpose of determining whether the pupil is receiving the required
7 minimum number of hours of pupil instruction. However, if a
8 district demonstrates to the satisfaction of the department that
9 the travel time limitation under this subdivision would create
10 undue costs or hardship to the district, the department may
11 consider more travel time to be pupil instruction time for this
12 purpose.

13 (e) In grades 7 through 12, instructional time that is part of
14 a Junior Reserve Officer Training Corps (JROTC) program is
15 considered to be pupil instruction time regardless of whether the
16 instructor is a certificated teacher if all of the following are
17 met:

18 (i) The instructor has met all of the requirements established
19 by the United States Department of Defense and the applicable
20 branch of the armed services for serving as an instructor in the
21 Junior Reserve Officer Training Corps program.

22 (ii) The board of the district or intermediate district
23 employing or assigning the instructor complies with the
24 requirements of sections 1230 and 1230a of the revised school code,
25 MCL 380.1230 and 380.1230a, with respect to the instructor to the
26 same extent as if employing the instructor as a regular classroom
27 teacher.

28 (8) Except as otherwise provided in subsections (11) and (12),
29 the department shall apply the guidelines under subsection (7) in



1 calculating the full-time equivalency of pupils.

2 (9) Upon application by the district for a particular fiscal
3 year, the superintendent shall waive for a district the minimum
4 number of hours and days of pupil instruction requirement of
5 subsection (3) for a department-approved alternative education
6 program or another innovative program approved by the department,
7 including a 4-day school week. If a district applies for and
8 receives a waiver under this subsection and complies with the terms
9 of the waiver, the district is not subject to forfeiture under this
10 section for the specific program covered by the waiver. If the
11 district does not comply with the terms of the waiver, the amount
12 of the forfeiture is calculated based upon a comparison of the
13 number of hours and days of pupil instruction actually provided to
14 the minimum number of hours and days of pupil instruction required
15 under subsection (3). A district shall report pupils enrolled in a
16 department-approved alternative education program under this
17 subsection to the center in a form and manner determined by the
18 center. All of the following apply to a waiver granted under this
19 subsection:

20 (a) If the waiver is for a blended model of delivery, a waiver
21 that is granted for the 2011-2012 fiscal year or a subsequent
22 fiscal year remains in effect unless it is revoked by the
23 superintendent.

24 (b) If the waiver is for a 100% online model of delivery and
25 the educational program for which the waiver is granted makes
26 educational services available to pupils for a minimum of at least
27 1,098 hours during a school year and ensures that each pupil is on
28 track for course completion at proficiency level, a waiver that is
29 granted for the 2011-2012 fiscal year or a subsequent fiscal year



1 remains in effect unless it is revoked by the superintendent.

2 (c) A waiver that is not a waiver described in subdivision (a)
3 or (b) is valid for 1 fiscal year and must be renewed annually to
4 remain in effect.

5 (10) A district may count up to 38 hours of qualifying
6 professional development for teachers as hours of pupil
7 instruction.

8 All of the following apply to the counting of qualifying
9 professional development as pupil instruction under this
10 subsection:

11 (a) If qualifying professional development exceeds 5 hours in
12 a single day, that day may be counted as a day of pupil
13 instruction.

14 (b) At least 8 hours of the qualifying professional
15 development counted as hours of pupil instruction under this
16 subsection must be recommended by a districtwide professional
17 development advisory committee appointed by the district board. The
18 advisory committee must be composed of teachers employed by the
19 district who represent a variety of grades and subject matter
20 specializations, including special education; nonteaching staff;
21 parents; and administrators. The majority membership of the
22 committee ~~shall~~**must** be composed of teaching staff.

23 (c) Professional development provided online is allowable and
24 encouraged, as long as the instruction has been approved by the
25 district. The department shall issue a list of approved online
26 professional development providers, which must include the Michigan
27 Virtual School.

28 (d) Qualifying professional development may only be counted as
29 hours of pupil instruction for the pupils of those teachers



1 scheduled to participate in the qualifying professional
2 development.

3 (e) For professional development to be considered qualifying
4 professional development under this subsection, the professional
5 development must meet all of the following:

6 (i) Is aligned to the school or district improvement plan for
7 the school or district in which the professional development is
8 being provided.

9 (ii) Is linked to 1 or more criteria in the evaluation tool
10 developed or adopted by the district or intermediate district under
11 section 1249 of the revised school code, MCL 380.1249.

12 (iii) Has been approved by the department as counting for state
13 continuing education clock hours. The number of hours of
14 professional development counted as hours of pupil instruction may
15 not exceed the number of state continuing education clock hours for
16 which the qualifying professional development was approved.

17 (iv) Not more than a combined total of 10 hours of the
18 professional development takes place before the first scheduled day
19 of school for the school year ending in the fiscal year and after
20 the last scheduled day of school for that school year.

21 (v) No more than 10 hours of qualifying professional
22 development takes place in a single month.

23 (vi) At least 75% of teachers scheduled to participate in the
24 professional development are in attendance.

25 (11) Subsections (3) and (8) do not apply to a school of
26 excellence that is a cyber school, as **that term is** defined in
27 section 551 of the revised school code, MCL 380.551, and is in
28 compliance with section 553a of the revised school code, MCL
29 380.553a.



1 (12) Subsections (3) and (8) do not apply to eligible pupils
2 enrolled in a dropout recovery program that meets the requirements
3 of section 23a. As used in this subsection, "eligible pupil" means
4 that term as defined in section 23a.

5 (13) At least every 2 years the superintendent shall review
6 the waiver standards set forth in the pupil accounting and auditing
7 manuals to ensure that the waiver standards and waiver process
8 continue to be appropriate and responsive to changing trends in
9 online learning. The superintendent shall solicit and consider
10 input from stakeholders as part of this review.

11 **Sec. 296a. (1) For a district implementing a continuity of**
12 **learning and COVID-19 response plan approved under section 1851b of**
13 **the revised school code, MCL 380.1851b, all of the following apply:**

14 (a) Notwithstanding any provision of this act to the contrary,
15 strict compliance with rules and procedures under section 101(3)(d)
16 to (f) is temporarily suspended for the period beginning on March
17 11, 2020 and ending on the last day of the 2019-2020 school year,
18 so as to waive any requirement that a district have a minimum
19 number of the district's membership in attendance on any day of
20 pupil instruction and waive any requirement that a district report
21 the percentage of the district's membership in attendance to the
22 department.

23 (b) Notwithstanding any provision of this act to the contrary,
24 strict compliance with rules and procedures under section 101(3)(a)
25 and (b), (4), (6), and (10), requiring a district to provide at
26 least 1,098 hours and 180 days of pupil instruction, is temporarily
27 suspended so as to provide for the following additional exceptions
28 for the 2019-2020 school year to the requirement to provide at
29 least 1,098 hours and 180 days of pupil instruction that must be



1 counted as hours and days of pupil instruction:

2 (i) In addition to counting as hours and days of pupil
3 instruction under section 101(4) the first 6 days or the equivalent
4 number of hours for which pupil instruction is not provided because
5 of conditions not within the control of school authorities, the
6 department shall count up to 13 additional days or the equivalent
7 number of hours for which pupil instruction is not provided due to
8 a closure of schools pursuant to an executive order issued by the
9 governor in response to the COVID-19 state of emergency or state of
10 disaster.

11 (ii) Under section 101(10), a district also may count an
12 additional 5 days or the equivalent number of hours used for the
13 purpose of preparing to provide and providing instruction by
14 alternative modes of instruction pursuant to a continuity of
15 learning and COVID-19 response plan approved under section 1851b of
16 the revised school code, MCL 380.1851b, as days or an equivalent
17 number of hours of pupil instruction.

18 (c) Notwithstanding any provision of this act to the contrary,
19 strict compliance with rules and procedures under section 101(9) is
20 temporarily suspended to the extent necessary to permit a district
21 that has a department-approved alternative education program or
22 another innovative program approved by the department under section
23 101(9) and that does not use a 100% online model of delivery
24 approved before the effective date of Executive Order No. 2020-35,
25 to use the additional exceptions provided for in subdivision (b) in
26 satisfying the number of days and hours of instruction required
27 under a waiver granted by the department under section 101(9).

28 (d) Notwithstanding any provision of this act to the contrary,
29 strict compliance with rules and procedures under section 101(9) is



1 temporarily suspended for the remainder of the 2019-2020 school
2 year so as to waive the minimum number of hours and days of pupil
3 instruction required under section 101(3) for any district with a
4 continuity of learning and COVID-19 response plan approved under
5 section 1851b of the revised school code, MCL 380.1851b.
6 Notwithstanding any provision of this act to the contrary, a
7 district with a continuity of learning and COVID-19 response plan
8 approved under section 1851b of the revised school code, MCL
9 380.1851b, is considered to be operating a department-approved
10 alternative education program or another innovative program
11 approved by the department for the remainder of the 2019-2020
12 school year only. Notwithstanding any provision of this act to the
13 contrary, and except as otherwise provided in this subsection, a
14 district with a continuity of learning and COVID-19 response plan
15 approved under section 1851b of the revised school code, MCL
16 380.1851b, is not subject to forfeiture of money under section 101.
17 However, notwithstanding any provision of this act to the contrary,
18 if a district does not comply substantially with the terms of its
19 continuity of learning and COVID-19 response plan approved under
20 section 1851b of the revised school code, MCL 380.1851b, the amount
21 of any forfeiture under section 101 must be calculated based upon a
22 comparison of the number of hours and days of pupil instruction
23 provided to the minimum number of hours and days of pupil
24 instruction required under section 101(3), as affected by this
25 section. Notwithstanding any provision of this act to the contrary,
26 a district with a continuity of learning and COVID-19 response plan
27 approved under section 1851b of the revised school code, MCL
28 380.1851b, is not required to report to the center the pupils
29 enrolled in a department-approved alternative education program



1 under section 101(9).

2 (2) Notwithstanding any provision of this act to the contrary,
3 despite section 1851b(1) of the revised school code, MCL 380.1851b,
4 a school of excellence that is a cyber school, as that term is
5 defined in section 551 of the revised school code, MCL 380.551, and
6 is in compliance with section 553a of the revised school code, MCL
7 380.553a, may continue to educate pupils in a manner consistent
8 with section 1851b(1) of the revised school code, MCL 380.1851b,
9 and continues to be exempt from the requirements of section 101(3)
10 and (8) during the period for which the requirements under section
11 1851b(1) of the revised school code, MCL 380.1851b, apply.

12 (3) Notwithstanding any provision of this act to the contrary,
13 if, before March 11, 2020, a district was providing nonessential
14 elective courses to nonpublic school or homeschool pupils at a
15 district, intermediate district, or nonpublic school site under
16 section 166b, and is able to continue to offer the nonessential
17 elective courses through alternative modes of instruction, then the
18 district may, to the extent feasible, provide for such courses in
19 its continuity of learning and COVID-19 response plan approved
20 under section 1851b of the revised school code, MCL 380.1851b, and
21 continue to offer the nonessential elective courses to nonpublic
22 school or homeschool pupils through alternative modes of
23 instruction for the remainder of the 2019-2020 school year.

24 (4) Nothing in this section or section 1851b of the revised
25 school code, MCL 380.1851b, alters the inapplicability of section
26 101(3) and (8) to eligible pupils enrolled in a dropout recovery
27 program that meets the requirements of section 23a. As used in this
28 subsection, "eligible pupil" means that term as defined in section
29 23a.



1 (5) Notwithstanding any provision of this act to the contrary,
2 the approval of the superintendent of public instruction or the
3 department is not required for a district to make use of a waiver
4 provided for under subsection (1) (a) to (d).

5 (6) Notwithstanding any provision of this act to the contrary,
6 strict compliance with rules and procedures under section 6(7) (b)
7 is temporarily suspended to eliminate the requirement during the
8 2019-2020 school year for a district or intermediate district
9 maintaining school during the entire school year to use the fourth
10 Wednesday in April as a pupil membership count day.

11 (7) Notwithstanding any provision of this act to the contrary,
12 strict compliance with rules and procedures under section
13 104b(4) (b) is temporarily suspended as necessary to permit a
14 district to include each day that a pupil is considered in
15 attendance under this section or pursuant to a continuity of
16 learning and COVID-19 response plan approved under section 1851b of
17 the revised school code, MCL 380.1851b, as a day the pupil was in
18 attendance at school during the 2019-2020 school year for purposes
19 of section 104b(4) (b) .

20 (8) Notwithstanding any provision of this act to the contrary,
21 an intermediate district or authorizing body that reviews and
22 approves or disapproves continuity of learning and COVID-19
23 response plans on its own or with others under section 1851b of the
24 revised school code, MCL 380.1851b, is eligible for any additional
25 funding appropriated under this act to support these activities.
26 Notwithstanding any provision of this act to the contrary, an
27 intermediate district or authorizing body that does not review and
28 approve or disapprove continuity of learning and COVID-19 response
29 plans under section 1851b of the revised school code, MCL



1 380.1851b, is not eligible for any additional funding appropriated
2 under this act to support those activities.

3 (9) Notwithstanding any provision of this act to the contrary,
4 a district with a continuity of learning and COVID-19 response plan
5 approved under section 1851b of the revised school code, MCL
6 380.1851b, is eligible to receive continued payments from the state
7 school aid fund for the 2019-2020 school year.

8 (10) Notwithstanding any provision of this act to the
9 contrary, strict compliance with rules and procedures under section
10 104b, requiring a district to administer during the 2019-2020
11 school year the Michigan merit examination to pupils in grade 11
12 and to pupils in grade 12 who did not take the complete Michigan
13 merit examination in grade 11, is temporarily suspended for the
14 remainder of the 2019-2020 school year. Notwithstanding any
15 provision of this act to the contrary, as provided under section
16 1851b of the revised school code, MCL 380.1851b, pupils in grade 11
17 in the 2019-2020 school year must be administered the Scholastic
18 Aptitude Test portion of the Michigan merit examination during a
19 school day in the fall of the 2020-2021 school year as permitted by
20 the college board, with results from this test being used for
21 college entrance purposes but not for school accountability
22 purposes.

23 (11) Notwithstanding any provision of this act to the
24 contrary, strict compliance with rules and procedures under section
25 104c is temporarily suspended for the remainder of the 2019-2020
26 school year so as to suspend for the remainder of the 2019-2020
27 school year the obligation of a district to administer the state
28 assessments described in section 104c, including the Michigan
29 student test of educational progress (M-STEP), or an alternative to



1 the M-STEP such as the MI-ACCESS assessment, or other assessment
 2 taken in conjunction with the M-STEP, including the Preliminary
 3 Scholastic Aptitude Test (PSAT) developed by the college board.
 4 Notwithstanding any provision of this act to the contrary, as
 5 provided under section 1851b of the revised school code, MCL
 6 380.1851b, pupils otherwise scheduled to be administered the PSAT
 7 during a school day in the 2019-2020 school year must be
 8 administered the PSAT during a school day in the fall of the 2020-
 9 2021 school year as permitted by the college board.

10 (12) Notwithstanding any provision of this act to the
 11 contrary, strict compliance with rules and procedures under section
 12 41 is temporarily suspended so as to suspend for the remainder of
 13 the 2019-2020 school year the obligation of a district to
 14 administer to English language learners the English language
 15 proficiency assessment known as the "WIDA ACCESS for English
 16 language learners" or the "WIDA Alternate ACCESS".

17 (13) Notwithstanding any provision of this act to the
 18 contrary, strict compliance with rules and procedures under section
 19 104 is temporarily suspended for the remainder of the 2019-2020
 20 school year so as to suspend any requirement for a district to
 21 administer the Maryland-Ohio observational tool that is also
 22 referred to as the Kindergarten Readiness Assessment.

23 (14) Notwithstanding any provision of this act to the
 24 contrary, strict compliance with rules and procedures under section
 25 104 is temporarily suspended for the remainder of the 2019-2020
 26 school year to the extent necessary to waive any requirement for
 27 assessments or other performance evaluations of teachers, except
 28 for teachers on an individualized development plan on March 13,
 29 2020, and district administrators during the 2019-2020 school year.



1 (15) Notwithstanding any provision of this act to the
2 contrary, if, before March 11, 2020, a district was providing a
3 nonessential elective course to a nonpublic school pupil or
4 homeschool pupil in grade 12 at a district, intermediate district,
5 or nonpublic school site under section 166b and that course is
6 required for the pupil to graduate and receive a diploma, the
7 district must, as provided under section 1851b of the revised
8 school code, MCL 380.1851b, to the extent feasible, continue to
9 offer the nonessential elective course to the pupil through
10 alternative modes of instruction for the remainder of the 2019-2020
11 school year.

12 (16) Notwithstanding any provision of this act to the
13 contrary, and subject to federal law, a district or a nonpublic
14 school that has been allocated federal funds for the 2019-2020
15 school year for the purpose of providing special education services
16 must not be penalized or required to repay the funds by this state
17 due to the inability to provide those services in person during the
18 2019-2020 school year after March 11, 2020.

19 (17) Notwithstanding any provision of this act to the
20 contrary, strict compliance with rules and procedures under section
21 21f is temporarily suspended to the extent necessary to permit a
22 district under a continuity of learning and COVID-19 response plan
23 approved under section 1851b of the revised school code, MCL
24 380.1851b, to enroll a pupil in more than 2 virtual courses,
25 regardless of whether the virtual course is published in a catalog
26 of courses or a parent or guardian approves, and so as to suspend
27 any requirement to comply with minimum requirements to count a
28 pupil in membership established by the pupil accounting manual.

29 (18) Notwithstanding any provision of this act to the



1 contrary, for a district with a collective bargaining agreement
2 that is in effect for employees of the district on or before the
3 date of the enactment of the amendatory act that added this
4 section, this section must be implemented by the district in a
5 manner consistent with the collective bargaining agreement.

6 (19) Before the department, the superintendent of public
7 instruction, or the department of civil rights seeks any guidance,
8 issues a waiver, or seeks a waiver relating to this section or
9 section 1851b of the revised school code, MCL 380.1851b, or
10 suspends an administrative rule pursuant to this section or section
11 1851b of the revised school code, MCL 380.1851b, the superintendent
12 of public instruction or the director of the department of civil
13 rights, as applicable, must provide the governor in writing with a
14 copy of the request or waiver and information relating to the
15 request, waiver, or suspension.

16 (20) Notwithstanding any provision of this act to the
17 contrary, strict compliance with rules and procedures under section
18 104b is temporarily suspended for the remainder of the 2019-2020
19 school year so as to suspend for the remainder of the 2019-2020
20 school year the obligation of a district, imposed by the department
21 or otherwise, to administer an assessment that assesses a pupil's
22 ability to apply reading and mathematics skills in a manner that is
23 intended to allow employers to use the results in making employment
24 decisions, including the WorkKeys assessment.

25 (21) Notwithstanding any provision of this act to the
26 contrary, strict compliance with rules and procedures under
27 sections 162 and 163 is temporarily suspended so as to prevent the
28 forfeiture of funds resulting from the implementation of this
29 section or section 1851b of the revised school code, MCL 380.1851b.



1 (22) Notwithstanding any provision of this act to the
2 contrary, an intermediate district that is an approved grantee of
3 great start readiness program funding under sections 32d and 39 for
4 the 2019-2020 school year shall maintain records of approved
5 subrecipient great start readiness program plans as described in
6 this subsection for continuing the great start readiness program
7 for the remainder of the 2019-2020 school year. Notwithstanding any
8 provision of this act to the contrary, an intermediate district is
9 responsible for ensuring all subrecipients of great start readiness
10 program funding, including community-based providers, create a
11 great start readiness program plan concerning the continuation of
12 the great start readiness program for the remainder of the 2019-
13 2020 school year. Subrecipient great start readiness program plans
14 as described in this subsection may be incorporated in the original
15 continuity of learning and COVID-19 response plan submitted for
16 approval under section 1851b of the revised school code, MCL
17 380.1851b, or may be submitted for approval under section 1851b of
18 the revised school code, MCL 380.1851b, as an amendment or addendum
19 to the district's currently approved continuity of learning and
20 COVID-19 response plan. Subrecipient great start readiness program
21 plans described in this subsection must include, at a minimum, all
22 of the following:

23 (a) A description of plans to provide and document, at a
24 minimum, how all members of the great start readiness program
25 teaching team will engage on an ongoing basis with enrolled
26 children and their families, through the most convenient
27 communication method for the family in light of COVID-19-related
28 orders and guidance, and, as appropriate, provide children and
29 their families plans for the transition from the great start



1 readiness program to kindergarten. The outreach described in this
2 subdivision must include a virtual conference with the family.

3 (b) A description of how great start readiness program funds
4 and resources will be used to implement a modified program that is
5 developmentally appropriate for the strengths, interests, and needs
6 of each individualized child.

7 (c) A best estimate of the date on which subrecipients will
8 begin implementation of the great start readiness program plan
9 described in this subsection, which must be no later than May 7,
10 2020.

11 (23) Notwithstanding any provision of this act to the
12 contrary, strict compliance with rules and procedures under section
13 166a(1) is temporarily suspended for the 2019-2020 school year so
14 as to waive instruction requirements unmet in the 2019-2020 school
15 year by a district before March 11, 2020, except as described in
16 the district's continuity of learning and COVID-19 response plan
17 approved under section 1851b of the revised school code, MCL
18 380.1851b.

19 (24) As used in this section:

20 (a) "Alternative modes of instruction" means modes of pupil
21 instruction, other than in-person instruction, that may include,
22 without limitation, partnerships with other districts or
23 intermediate districts or community colleges or institutions of
24 higher education, use of vendors, use of online learning, telephone
25 communications, electronic mail, virtual instruction, videos,
26 slideshows, project-based learning, use of instructional packets,
27 or a hybrid of multiple modes of learning that still promote
28 recommended practices for social distancing to mitigate the spread
29 of COVID-19.



1 (b) "District" means a school district, as that term is
2 defined in section 6 of the revised school code, MCL 380.6, or a
3 public school academy. District does not include an intermediate
4 district, except for an intermediate district that educates K-12
5 students.

6 (c) "Michigan Virtual School" means the Michigan Virtual
7 School referenced in section 98.

8 (d) "Superintendent of public instruction" means
9 superintendent of public instruction described in section 3 of
10 article VIII of the state constitution of 1963.

11 (25) It is the intent of the legislature that the amendatory
12 act that added this section is retroactive and that it apply
13 retroactively as follows:

14 (a) Subsections (1), (5), (12), (13), (14), (18), and (24) are
15 effective beginning March 11, 2020.

16 (b) Subsections (2), (4), (6), (7), (10), (11), (17), (20),
17 (21), and (23) are effective beginning March 16, 2020.

18 (c) Subsections (8), (9), and (19) are effective beginning
19 April 2, 2020.

20 (d) Subsection (3) is effective beginning April 3, 2020.

21 (e) Subsections (15), (16), and (22) are effective beginning
22 April 28, 2020.

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. 875 of the 100th Legislature is enacted into
25 law.

