

**SUBSTITUTE FOR
SENATE BILL NO. 875**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1279g (MCL 380.1279g), as amended by 2016 PA
170, and by adding sections 1851b and 1851c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1279g. (1) The board of a school district or board of
2 directors of a public school academy shall comply with this section
3 and shall administer the Michigan merit examination to pupils in
4 grade 11, and to pupils in grade 12 who did not take the complete
5 Michigan merit examination in grade 11, as provided in this
6 section.

7 (2) For the purposes of this section, the department of
8 technology, management, and budget shall contract with 1 or more



1 providers to develop, supply, and score the Michigan merit
2 examination. The Michigan merit examination ~~shall~~**must** consist of
3 all of the following:

4 (a) Assessment instruments that measure English language arts,
5 mathematics, reading, and science and are used by colleges and
6 universities in this state for entrance or placement purposes. This
7 ~~shall include~~**includes** a writing component in which the pupil
8 produces an extended writing sample. The Michigan merit examination
9 ~~shall~~**must** not require any other extended writing sample.

10 (b) One or more tests from 1 or more test developers that
11 assess a pupil's ability to apply at least reading and mathematics
12 skills in a manner that is intended to allow employers to use the
13 results in making employment decisions. The department of
14 technology, management, and budget and the superintendent of public
15 instruction shall ensure that any test or tests selected under this
16 subdivision have all the components necessary to allow a pupil to
17 be eligible to receive the results of a nationally recognized
18 evaluation of workforce readiness if the pupil's test performance
19 is adequate.

20 (c) A social studies component.

21 (d) Any other component that is necessary to obtain the
22 approval of the United States Department of Education to use the
23 Michigan merit examination for the purposes of the no child left
24 behind act of 2001, Public Law 107-110, or the every student
25 succeeds act, Public Law 114-95.

26 (3) In addition to all other requirements of this section, all
27 of the following apply to the Michigan merit examination:

28 (a) The department of technology, management, and budget and
29 the superintendent of public instruction shall ensure that any



1 contractor used for scoring the Michigan merit examination supplies
2 an individual report for each pupil that will identify for the
3 pupil's parents and teachers whether the pupil met expectations or
4 failed to meet expectations for each standard, to allow the pupil's
5 parents and teachers to assess and remedy problems before the pupil
6 moves to the next grade.

7 (b) The department of technology, management, and budget and
8 the superintendent of public instruction shall ensure that any
9 contractor used for scoring, developing, or processing the Michigan
10 merit examination meets quality management standards commonly used
11 in the assessment industry, including at least meeting level 2 of
12 the capability maturity model developed by the Software Engineering
13 Institute of Carnegie Mellon University for the first year the
14 Michigan merit examination is offered to all grade 11 pupils and at
15 least meeting level 3 of the capability maturity model for
16 subsequent years.

17 (c) The department of technology, management, and budget and
18 the superintendent of public instruction shall ensure that any
19 contract for scoring, administering, or developing the Michigan
20 merit examination includes specific deadlines for all steps of the
21 assessment process, including, but not limited to, deadlines for
22 the correct testing materials to be supplied to schools and for the
23 correct results to be returned to schools, and includes penalties
24 for noncompliance with these deadlines.

25 (d) The superintendent of public instruction shall ensure that
26 the Michigan merit examination meets all of the following:

27 (i) Is designed to test pupils on grade level content
28 expectations or course content expectations, as appropriate, in all
29 subjects tested.



1 (ii) Complies with requirements of the no child left behind act
2 of 2001, Public Law 107-110, or the every student succeeds act,
3 Public Law 114-95, as applicable.

4 (iii) Is consistent with the code of fair testing practices in
5 education prepared by the joint committee on testing practices of
6 the American Psychological Association.

7 (iv) Is factually accurate. If the superintendent of public
8 instruction determines that a question is not factually accurate
9 and should be excluded from scoring, the state board and the
10 superintendent of public instruction shall ensure that the question
11 is excluded from scoring.

12 (4) A school district or public school academy that operates a
13 high school shall include on each pupil's high school transcript
14 all of the following:

15 (a) For each high school graduate who has completed the
16 Michigan merit examination under this section, the pupil's scaled
17 score on each subject area component of the Michigan merit
18 examination.

19 (b) The number of school days the pupil was in attendance at
20 school each school year during high school and the total number of
21 school days in session for each of those school years.

22 (5) The superintendent of public instruction shall work with
23 the provider or providers of the Michigan merit examination to
24 produce Michigan merit examination subject area scores for each
25 pupil participating in the Michigan merit examination, including
26 scaling and merging of test items for the different subject area
27 components. The superintendent of public instruction shall design
28 and distribute to school districts, public school academies,
29 intermediate school districts, and nonpublic schools a simple and



1 concise document that describes the scoring for each subject area
2 and indicates the scaled score ranges for each subject area.

3 (6) The Michigan merit examination ~~shall~~**must** be administered
4 each year after March 1 and before June 1 to pupils in grade 11.
5 The superintendent of public instruction shall ensure that the
6 Michigan merit examination is scored and the scores are returned to
7 pupils, their parents or legal guardians, and schools not later
8 than the beginning of the pupil's first semester of grade 12. The
9 returned scores ~~shall~~**must** indicate at least the pupil's scaled
10 score for each subject area component and the range of scaled
11 scores for each subject area. In reporting the scores to pupils,
12 parents, and schools, the superintendent of public instruction
13 shall provide standards-specific, meaningful, and timely feedback
14 on the pupil's performance on the Michigan merit examination.

15 (7) A school district or public school academy shall
16 administer the complete Michigan merit examination to a pupil only
17 once and shall not administer the complete Michigan merit
18 examination to the same pupil more than once. If a pupil does not
19 take the complete Michigan merit examination in grade 11, the
20 school district or public school academy shall administer the
21 complete Michigan merit examination to the pupil in grade 12. If a
22 pupil chooses to retake the college entrance examination component
23 of the Michigan merit examination, as described in subsection
24 (2) (a), the pupil may do so through the provider of the college
25 entrance examination component and the cost of the retake is the
26 responsibility of the pupil unless all of the following are met:

27 (a) The pupil has taken the complete Michigan merit
28 examination.

29 (b) The pupil meets the income eligibility criteria for free



1 breakfast, lunch, or milk, as determined under the Richard B.
2 Russell national school lunch act, 42 USC 1751 to 1769j.

3 (c) The pupil has applied to the provider of the college
4 entrance examination component for a scholarship or fee waiver to
5 cover the cost of the retake and that application has been denied.

6 (d) After taking the complete Michigan merit examination, the
7 pupil has not already received a free retake of the college
8 entrance examination component paid for either by this state or
9 through a scholarship or fee waiver by the provider.

10 (8) The superintendent of public instruction shall ensure that
11 the length of the Michigan merit examination and the combined total
12 time necessary to administer all of the components of the Michigan
13 merit examination are the shortest possible that will still
14 maintain the degree of reliability and validity of the Michigan
15 merit examination results determined necessary by the
16 superintendent of public instruction. The superintendent of public
17 instruction shall ensure that the maximum total combined length of
18 time that schools are required to set aside for pupils to answer
19 all test questions on the Michigan merit examination does not
20 exceed 8 hours if the superintendent of public instruction
21 determines that sufficient alignment to applicable Michigan merit
22 curriculum content standards can be achieved within that time
23 limit.

24 (9) A school district or public school academy shall provide
25 accommodations to a pupil with disabilities for the Michigan merit
26 examination, as provided under section 504 of title V of the
27 rehabilitation act of 1973, 29 USC 794; subtitle A of title II of
28 the Americans with disabilities act of 1990, 42 USC 12131 to 12134;
29 the individuals with disabilities education act amendments of 1997,



1 Public Law 105-17; and the implementing regulations for those
2 statutes. The provider or providers of the Michigan merit
3 examination and the superintendent of public instruction shall
4 mutually agree upon the accommodations to be provided under this
5 subsection.

6 (10) To the greatest extent possible, the Michigan merit
7 examination ~~shall~~**must** be based on grade level content expectations
8 or course content expectations, as appropriate. Not later than July
9 1, 2008, the department shall identify specific grade level content
10 expectations to be taught before and after the middle of grade 11,
11 so that teachers will know what content will be covered within the
12 Michigan merit examination.

13 (11) A child who is a student in a nonpublic school or home
14 school may take the Michigan merit examination under this section.
15 To take the Michigan merit examination, a child who is a student in
16 a home school shall contact the school district in which the child
17 resides, and that school district shall administer the Michigan
18 merit examination, or the child may take the Michigan merit
19 examination at a nonpublic school if allowed by the nonpublic
20 school. Upon request from a nonpublic school, the superintendent of
21 public instruction shall direct the provider or providers to supply
22 the Michigan merit examination to the nonpublic school and the
23 nonpublic school may administer the Michigan merit examination. If
24 a school district administers the Michigan merit examination under
25 this subsection to a child who is not enrolled in the school
26 district, the scores for that child are not considered for any
27 purpose to be scores of a pupil of the school district.

28 (12) In contracting under subsection (2), the department of
29 technology, management, and budget shall consider a contractor that



1 provides electronically-scored essays with the ability to score
2 constructed response feedback in multiple languages and provide
3 ongoing instruction and feedback.

4 (13) The purpose of the Michigan merit examination is to
5 assess pupil performance in mathematics, science, social studies,
6 and English language arts for the purpose of improving academic
7 achievement and establishing a statewide standard of competency.
8 The assessment under this section provides a common measure of data
9 that will contribute to the improvement of Michigan schools'
10 curriculum and instruction by encouraging alignment with Michigan's
11 curriculum framework standards and promotes pupil participation in
12 higher level mathematics, science, social studies, and English
13 language arts courses. These standards are based upon the
14 expectations of what pupils should learn through high school and
15 are aligned with national standards.

16 (14) In addition to the other requirements of this section and
17 the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, beginning
18 with assessments conducted during the 2016-2017 school year, the
19 superintendent of public instruction shall ensure that the Michigan
20 merit examination social studies component and the M-STEP and any
21 successor state assessment for social studies, as appropriate,
22 include questions related to the learning objectives in the state
23 board recommended model core academic curriculum standards
24 concerning genocide, including, but not limited to, the Holocaust
25 and the Armenian Genocide.

26 (15) As used in this section:

27 (a) "Armenian Genocide", "genocide", and "Holocaust" mean
28 those terms as defined in section 1168.

29 (b) "English language arts" means reading and writing.



1 (c) "Social studies" means United States history, world
2 history, world geography, economics, and American government.

3 Sec. 1851b. (1) Notwithstanding any provision of this act to
4 the contrary, in-person instruction for K-12 pupils is suspended
5 for the remainder of the 2019-2020 school year and school buildings
6 used for the provision of K-12 education must remain closed for the
7 purpose of providing K-12 education in person for the remainder of
8 the 2019-2020 school year. K-12 school sports activities and other
9 in-person extracurricular school activities are suspended while any
10 state of emergency or state of disaster prompted by COVID-19 is in
11 effect and any executive order requiring the closure of schools due
12 to COVID-19 is in effect. This subsection applies to all public,
13 nonpublic, and boarding schools in this state.

14 (2) Notwithstanding any provision of this act to the contrary,
15 despite subsection (1), a school of excellence that is a cyber
16 school, as that term is defined in section 551, and that is in
17 compliance with section 553a, may continue to educate pupils in a
18 manner consistent with subsection (1), and continues to be exempt
19 from the requirements of section 101(3) and (8) of the state school
20 aid act of 1979, MCL 388.1701, during the period for which the
21 requirements under subsection (1) apply.

22 (3) Notwithstanding any provision of this act to the contrary,
23 strict compliance with rules and procedures under section 1284 is
24 temporarily suspended for the remainder of the 2019-2020 school
25 year as necessary to facilitate implementation of this section and
26 section 296a of the state school aid act of 1979, MCL 388.1896a.
27 Notwithstanding any provision of this act to the contrary, strict
28 compliance with rules and procedures under section 1284a is
29 temporarily suspended for the remainder of the 2019-2020 school



1 year and for the 2020-2021 school year as necessary to facilitate
 2 implementation of this section and section 296a of the state school
 3 aid act of 1979, MCL 388.1896a.

4 (4) Beginning not later than April 28, 2020, districts shall,
 5 except as otherwise provided in this section, implement a
 6 continuity of learning and COVID-19 response plan for the remainder
 7 of the 2019-2020 school year. All of the following apply with
 8 regard to continuity of learning and COVID-19 response plans:

9 (a) By April 3, 2020, the department, in collaboration with
 10 the Michigan Association of Intermediate School Administrators and
 11 the Michigan Council of Charter School Authorizers, shall develop
 12 and distribute to districts a model template for a continuity of
 13 learning and COVID-19 response plan described in this subsection.

14 (b) A continuity of learning and COVID-19 response plan
 15 described in this subsection must include all of the following
 16 elements and must be consistent with this section and section 296a
 17 of the state school aid act of 1979, MCL 388.1896a:

18 (i) A description of the methods a district will use to provide
 19 alternative modes of instruction other than in-person instruction
 20 and a summary of materials each pupil and the pupil's parents or
 21 guardians will need to meaningfully access the alternative modes of
 22 instruction included in the continuity of learning and COVID-19
 23 response plan. If the continuity of learning and COVID-19 response
 24 plan relies on electronic instruction, the plan must ensure, to the
 25 extent feasible, that pupils have access to a connected device
 26 capable of accessing the electronic instruction and must not
 27 penalize a pupil for the pupil's inability to fully participate.

28 (ii) A description of the methods a district will use to keep
 29 pupils at the center of educational activities, including outreach



1 to continue building relationships and maintain connections, and to
2 help pupils feel safe and valued.

3 (iii) A description of plans to deliver content in multiple ways
4 so that all pupils can access learning.

5 (iv) A description of plans to manage and monitor learning by
6 pupils.

7 (v) A budget outline estimating additional expenditures
8 associated with the continuity of learning and COVID-19 response
9 plan and sources of revenue to pay for those expenditures.

10 (vi) A description of the manner in which district
11 administrators, board members, teachers, and any representatives of
12 teachers collaborated in the development of the continuity of
13 learning and COVID-19 response plan.

14 (vii) A description of methods the district will use to notify
15 pupils and parents or guardians of the continuity of learning and
16 COVID-19 response plan.

17 (viii) A best estimate of the date on which the district will
18 begin implementing the continuity of learning and COVID-19 response
19 plan.

20 (c) A continuity of learning and COVID-19 response plan
21 described in this subsection must accomplish at least all of the
22 following:

23 (i) Provide for assistance, to the extent feasible, to pupils
24 enrolled in any eligible courses under the postsecondary enrollment
25 options act, 1996 PA 160, MCL 388.511 to 388.524, and the career
26 and technical preparation act, 2000 PA 258, MCL 388.1901 to
27 388.1913, in completing the courses during the 2019-2020 school
28 year.

29 (ii) Provide or arrange for continuing food distribution to



1 eligible pupils.

2 (iii) Subject to any applicable requirements of a collective
3 bargaining agreement in effect for employees of the district on or
4 before the date of the enactment of the amendatory act that added
5 this section, and except as otherwise provided in 1937 (Ex Sess) PA
6 4, MCL 38.71 to 38.191, provide that the district may redeploy
7 staff to provide meaningful work in the context of the continuity
8 of learning and COVID-19 response plan and that the district may
9 furlough or lay off school employees, as determined by the
10 district.

11 (iv) Provide for evaluation of participation in the continuity
12 of learning and COVID-19 response plan by pupils.

13 (v) Provide mental health support to pupils affected by a
14 state of emergency or state of disaster prompted by COVID-19.

15 (vi) Provide for the district to support the efforts of the
16 intermediate district in which the district is located to mobilize
17 disaster relief child care centers as described in Executive Order
18 No. 2020-51 or any executive order that may follow it.

19 (vii) Any continuity of learning and COVID-19 response plan
20 adopted by an intermediate district as described in subdivision (g)
21 must include a plan for early childhood services, including a great
22 start readiness program that must be in compliance with
23 requirements under section 296a(22) of the state school aid act of
24 1979, MCL 388.1896a, and guidance issued by the department. For
25 purposes of this subparagraph, a plan for early childhood services
26 described in this subparagraph may be incorporated in a district's
27 original continuity of learning and COVID-19 response plan
28 submitted for approval under this section or submitted for approval
29 as an amendment or addendum to a district's currently approved



1 continuity of learning and COVID-19 response plan under this
2 section.

3 (d) Notwithstanding any provision of this act to the contrary,
4 a continuity of learning and COVID-19 response plan may provide for
5 the adoption of a balanced calendar instructional program for the
6 remainder of the 2019-2020 school year and planning for the
7 adoption of a balanced calendar instructional program for the 2020-
8 2021 school year.

9 (e) Notwithstanding any provision of this act to the contrary,
10 a district may contract with 1 or more providers for implementation
11 of a continuity of learning and COVID-19 response plan described in
12 this section.

13 (f) Notwithstanding any provision of this act to the contrary,
14 if a district lacks the capacity to implement a continuity of
15 learning and COVID-19 response plan on its own, a district may
16 partner with 1 or more other districts or intermediate districts to
17 do so. Notwithstanding any provision of this act to the contrary, a
18 district may enter into 1 or more cooperative agreements under
19 section 11a(4) to provide for implementation of a continuity of
20 learning and COVID-19 response plan.

21 (g) Notwithstanding any provision of this act to the contrary,
22 for a district that is not a public school academy, the district's
23 continuity of learning and COVID-19 response plan under this
24 section must be approved by the intermediate superintendent of the
25 intermediate district in which the district is located.
26 Notwithstanding any provision of this act to the contrary, for a
27 district that is a public school academy, the public school
28 academy's continuity of learning and COVID-19 response plan under
29 this section must be approved by the authorizing body of the public



1 school academy or the authorizing body's designee for the purpose
2 of administering contracts with public school academies.
3 Notwithstanding any provision of this act to the contrary, for a
4 public school academy that by agreement provides public educational
5 services for the residents of a district that does not directly
6 provide public educational services to the residents on its own,
7 the public school academy's continuity of learning and COVID-19
8 response plan under this section must be approved by the
9 intermediate superintendent of the intermediate district in which
10 the public school academy is located. Notwithstanding any provision
11 of this act to the contrary, if an intermediate district educates
12 K-12 students, the intermediate district may adopt a continuity of
13 learning and COVID-19 response plan for those activities and
14 implement the continuity of learning and COVID-19 response plan
15 once adopted. Notwithstanding any provision of this act to the
16 contrary, a school of excellence that is a cyber school, as that
17 term is defined in section 551, and that is in compliance with
18 section 553a, may continue to educate pupils under its contract
19 described in section 553a, which is that school's continuity of
20 learning and COVID-19 response plan under this section.

21 (h) Notwithstanding any provision of this act to the contrary,
22 an intermediate superintendent or an authorizing body or its
23 designee shall approve a continuity of learning and COVID-19
24 response plan under this section submitted by a district if the
25 continuity of learning and COVID-19 response plan complies with the
26 requirements under this subsection and if the intermediate
27 superintendent or authorizing body or its designee believes the
28 continuity of learning and COVID-19 response plan represents a
29 good-faith effort to provide adequate alternative modes of



1 instruction given the limitations resulting from the COVID-19
2 pandemic and accompanying response efforts. Notwithstanding any
3 provision of this act to the contrary, intermediate superintendents
4 and authorizing bodies or their designee must allow for flexibility
5 and presume that a continuity of learning and COVID-19 response
6 plan submitted by a district will be implemented to the best of the
7 district's ability.

8 (i) Notwithstanding any provision of this act to the contrary,
9 intermediate districts and authorizing bodies or their designee
10 shall transmit copies of approved continuity of learning and COVID-
11 19 response plans under this section to the superintendent of
12 public instruction and to the state treasurer. Notwithstanding any
13 provision of this act to the contrary, if a district or
14 intermediate district maintains a public internet website, the
15 district or intermediate district shall post its approved or
16 adopted continuity of learning and COVID-19 response plan under
17 this section on that internet website.

18 (j) Notwithstanding any provision of this act to the contrary,
19 an intermediate district may enter into a cooperative agreement
20 with 1 or more other intermediate districts for the purpose of
21 reviewing and approving continuity of learning and COVID-19
22 response plans under this section.

23 (k) Notwithstanding any provision of this act to the contrary,
24 an intermediate district or authorizing body that reviews and
25 approves or disapproves continuity of learning and COVID-19
26 response plans under this section on its own or with others is
27 eligible for any additional funding appropriated under this act to
28 support these activities. Notwithstanding any provision of this act
29 to the contrary, an intermediate district or authorizing body that



1 does not review and approve or disapprove continuity of learning
2 and COVID-19 response plans under this section is not eligible for
3 any additional funding appropriated under this act to support those
4 activities.

5 (l) Notwithstanding any provision of this act to the contrary,
6 intermediate districts and authorizing bodies or their designee
7 must be prepared to review and approve or disapprove continuity of
8 learning and COVID-19 response plans under this section beginning
9 on April 8, 2020.

10 (m) Notwithstanding any provision of this act to the contrary,
11 a district with an approved continuity of learning and COVID-19
12 response plan under this section is eligible to receive continued
13 payments from the state school aid fund for the 2019-2020 school
14 year. As used in this subdivision, "state school aid fund" means
15 the state school aid fund established in section 11 of article IX
16 of the state constitution of 1963.

17 (n) Notwithstanding any provision of this act to the contrary,
18 a district that is not a public school academy may amend its
19 continuity of learning and COVID-19 response plan under this
20 section with the approval of the intermediate superintendent of the
21 intermediate district in which the district is located.
22 Notwithstanding any provision of this act to the contrary, a
23 district that is a public school academy may amend its continuity
24 of learning and COVID-19 response plan under this section with the
25 approval of its authorizing body or a designee of the authorizing
26 body. Notwithstanding any provision of this act to the contrary,
27 for a public school academy that by agreement provides public
28 educational services for the residents of a district that does not
29 directly provide public educational services to the residents on



1 its own, the public school academy's continuity of learning and
2 COVID-19 response plan under this section may be amended with the
3 approval of the intermediate superintendent of the intermediate
4 district in which the public school academy is located.

5 (o) Notwithstanding any provision of this act to the contrary,
6 for the remainder of the 2019-2020 school year, decisions regarding
7 the awarding of credit, the issuance of grades, and the use of pass
8 or fail designations must continue to be made at the district level
9 by districts with due recognition of the impact of the COVID-19
10 pandemic.

11 (p) Notwithstanding any provision of this act to the contrary,
12 subrecipient great start readiness program plans as described in
13 section 296a(22) of the state school aid act of 1979, MCL
14 388.1896a, may be incorporated in a district's original continuity
15 of learning and COVID-19 response plan submitted for approval under
16 this section or may be submitted for approval under this section as
17 an amendment or addendum to the district's currently approved
18 continuity of learning and COVID-19 response plan under this
19 section.

20 (q) Notwithstanding any provision of this act to the contrary,
21 continuity of learning and COVID-19 response plans under this
22 section are not required to address the following provisions of the
23 elementary and secondary education act of 1965, 20 USC 6301 to
24 8602, that have been waived by the United States Department of
25 Education for the 2019-2020 school year pursuant to section 8401(b)
26 of the elementary and secondary education act of 1965, 20 USC
27 7861(b) :

28 (i) Assessment requirements under section 1111(b)(2) of the
29 elementary and secondary education act of 1965, 20 USC 6311(b)(2) .



1 (ii) Report card provisions related to certain assessments and
2 accountability in section 1111(h) of the elementary and secondary
3 education act of 1965, 20 USC 6311(h), based on data from the 2019-
4 2020 school year, including all of the following:

5 (A) Section 1111(h) (1) (C) (i) of the elementary and secondary
6 education act of 1965, 20 USC 6311(h) (1) (C) (i), concerning
7 accountability-system descriptions.

8 (B) Section 1111(h) (1) (C) (ii) of the elementary and secondary
9 education act of 1965, 20 USC 6311(h) (1) (C) (ii), concerning
10 assessment results.

11 (C) Section 1111(h) (1) (C) (iii) (1) of the elementary and
12 secondary education act of 1965, 20 USC 6311(h) (1) (C) (iii) (1),
13 concerning other academic indicator results.

14 (D) Section 1111(h) (1) (C) (iv) of the elementary and secondary
15 education act of 1965, 20 USC 6311(h) (1) (C) (iv), concerning English
16 language proficiency assessment results.

17 (E) Section 1111(h) (1) (C) (v) of the elementary and secondary
18 education act of 1965, 20 USC 6311(h) (1) (C) (v), concerning school
19 quality or student success indicator results.

20 (F) Section 1111(h) (1) (C) (vi) of the elementary and secondary
21 education act of 1965, 20 USC 6311(h) (1) (C) (vi), concerning
22 progress toward meeting long-terms goals and measurements of
23 interim progress.

24 (G) Section 1111(h) (1) (C) (vii) of the elementary and secondary
25 education act of 1965, 20 USC 6311(h) (1) (C) (vii), concerning
26 percentage of students assessed and not assessed.

27 (H) Section 1111(h) (1) (C) (xi) of the elementary and secondary
28 education act of 1965, 20 USC 6311(h) (1) (C) (xi), concerning number
29 and percentage of students with the most significant cognitive



1 disabilities taking an alternate assessment.

2 (I) Section 1111(h)(2) of the elementary and secondary
3 education act of 1965, 20 USC 6311(h)(2), with respect to all
4 waived requirements in section 1111(h)(1)(C) of the elementary and
5 secondary education act of 1965, 20 USC 6311(h)(1)(C).

6 (J) Section 1111(h)(2)(C)(i) to (ii) of the elementary and
7 secondary education act of 1965, 20 USC 6311(h)(2)(C)(i) to (ii),
8 concerning information showing how students in a local educational
9 agency and each school, respectively, achieved on the academic
10 assessments compared to students in this state and the local
11 educational agency.

12 (5) For the remainder of the 2019-2020 school year, state-
13 approved nonpublic schools and parents and guardians homeschooling
14 students are encouraged to do all of the following:

15 (a) Offer all students electronic, other remote, or home-based
16 instruction, to the extent feasible, for the remainder of the 2019-
17 2020 school year, including course offerings provided by the
18 Michigan Virtual School.

19 (b) Coordinate with districts providing nonessential elective
20 courses under section 166b of the state school aid act of 1979, MCL
21 388.1766b, to any of their students for the remainder of the 2019-
22 2020 school year.

23 (c) Assist eligible nonpublic school students to complete
24 eligible courses, to the extent feasible, under the postsecondary
25 enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, and
26 the career and technical preparation act, 2000 PA 258, MCL 388.1901
27 to 388.1913.

28 (d) Take actions necessary to continue to receive any federal
29 funding previously allocated in a manner consistent with applicable



1 federal law.

2 (6) Notwithstanding any provision of this act to the contrary,
3 and notwithstanding the closure of school buildings under Executive
4 Order No. 2020-11 or any executive order that may follow it,
5 district employees or contractors necessary to conduct minimum
6 basic school operations consistent with an approved continuity of
7 learning and COVID-19 response plan under this section, including
8 those employees or contractors necessary to facilitate alternative
9 modes of instruction, such as distributing materials and equipment,
10 or performing other necessary in-person functions, are permitted to
11 be physically present in district buildings, as determined by
12 district administrators. As specified in Executive Order No. 2020-
13 65, district employees and contractors performing the functions
14 described in this subsection are considered to be performing
15 necessary government activities for purposes of Executive Order No.
16 2020-59 or any executive order that may follow it. In implementing
17 this subsection, districts must adopt social-distancing practices
18 and other mitigation measures to protect district employees and
19 contractors, including all of the following:

20 (a) Restricting the number of employees and contractors
21 present in a district building to no more than is strictly
22 necessary to perform the activities authorized under this
23 subsection.

24 (b) Promoting remote work to the fullest extent possible.

25 (c) Keeping employees and contractors in a district building
26 at least 6 feet from one another to the maximum extent possible.

27 (d) Increasing standards of district building cleaning and
28 disinfection to limit employee and contractor exposure to COVID-19,
29 as well as adopting protocols to clean and disinfect in the event



1 of a positive COVID-19 case in a district building.

2 (e) Adopting policies to prevent employees and contractors
3 from entering the premises if they display respiratory symptoms or
4 have had contact with an individual who is known or suspected to
5 have contracted COVID-19.

6 (f) Any other social-distancing practices and mitigation
7 measures relating to COVID-19 recommended by the federal Centers
8 for Disease Control and Prevention.

9 (7) Notwithstanding any provision of this act to the contrary,
10 a district may permit parents and guardians of pupils to visit
11 school property for the purpose of obtaining materials and
12 equipment pursuant to a continuity of learning and COVID-19
13 response plan under this section and using the same social
14 distancing and other mitigation measures required for district
15 employees and contractors under subsection (6). As specified in
16 Executive Order No. 2020-65, parents or guardians leaving their
17 homes or residences for the purposes described in this subsection
18 are considered to be obtaining necessary services or supplies for
19 purposes of Executive Order No. 2020-59 or any executive order that
20 may follow it.

21 (8) Notwithstanding any provision of this act to the contrary,
22 any child care workers at a child care located within a district
23 building, including workers at disaster relief child care centers,
24 are permitted to be physically present in district buildings, as
25 determined by district administrators and to the extent permitted
26 by Executive Order No. 2020-59 or any executive order that may
27 follow it.

28 (9) Notwithstanding any provision of this act to the contrary,
29 strict compliance with rules and procedures under section 1279g,



1 and section 104b of the state school aid act of 1979, MCL
2 388.1704b, requiring a district to administer during the 2019-2020
3 school year the Michigan merit examination to pupils in grade 11
4 and to pupils in grade 12 who did not take the complete Michigan
5 merit examination in grade 11, is temporarily suspended for the
6 remainder of the 2019-2020 school year. Notwithstanding any
7 provision of this act to the contrary, pupils in grade 11 in the
8 2019-2020 school year must be administered the Scholastic Aptitude
9 Test portion of the Michigan merit examination during a school day
10 in the fall of the 2020-2021 school year as permitted by the
11 college board, with results from this test being used for college
12 entrance purposes but not for school accountability purposes.

13 (10) Notwithstanding any provision of this act to the
14 contrary, strict compliance with rules and procedures under
15 sections 503(6) (a), 523(2) (a), 553(5) (a), and 1311e(5) (a) and under
16 section 104c of the state school aid act of 1979, MCL 388.1704c, is
17 temporarily suspended for the remainder of the 2019-2020 school
18 year so as to suspend for the remainder of the 2019-2020 school
19 year the obligation of a district to administer the state
20 assessments described in those sections, including the Michigan
21 student test of educational progress (M-STEP), or an alternative to
22 the M-STEP such as the MI-ACCESS assessment, or other assessment
23 taken in conjunction with the M-STEP, including the Preliminary
24 Scholastic Aptitude Test (PSAT) developed by the college board.
25 Notwithstanding any provision of this act to the contrary, pupils
26 otherwise scheduled to be administered the PSAT during a school day
27 in the 2019-2020 school year must be administered the PSAT during a
28 school day in the fall of the 2020-2021 school year as permitted by
29 the college board.



1 (11) Notwithstanding any provision of this act to the
 2 contrary, strict compliance with rules and procedures under section
 3 1279g, and section 104b of the state school aid act of 1979, MCL
 4 388.1704b, is temporarily suspended for the remainder of the 2019-
 5 2020 school year so as to suspend for the remainder of the 2019-
 6 2020 school year the obligation of a district, imposed by the
 7 department or otherwise, to administer an assessment that assesses
 8 a pupil's ability to apply reading and mathematics skills in a
 9 manner that is intended to allow employers to use the results in
 10 making employment decisions, including the WorkKeys assessment.

11 (12) Notwithstanding any provision of this act to the
 12 contrary, for the remainder of the 2019-2020 school year, pupils
 13 enrolled in advanced placement courses and eligible to take
 14 examinations for advanced placement courses administered by the
 15 college board must be permitted to take the examinations using the
 16 at-home testing option provided by the college board. Districts
 17 shall facilitate for the remainder of the 2019-2020 school year, to
 18 the extent feasible, access to information relating to advanced
 19 placement courses and course schedules provided online by the
 20 college board, such as information relating to advanced placement
 21 courses available at apstudents.collegeboard.org/coronavirus-
 22 updates. Notwithstanding any provision of this act to the contrary,
 23 for pupils described in this subsection without access to the
 24 internet or a device necessary to access the internet, districts
 25 shall facilitate for the remainder of the 2019-2020 school year, to
 26 the extent feasible, access to information regarding assistance
 27 provided by the college board in completing examination
 28 requirements, such as information relating to advanced placement
 29 examinations available at apstudents.collegeboard.org/coronavirus-



1 updates.

2 (13) Notwithstanding any provision of this act to the
3 contrary, strict compliance with rules and procedures under
4 sections 1249, 1249a, 1249b, and 1250(1), under section 104 of the
5 state school aid act of 1979, MCL 388.1704, and under section 3 of
6 article III of 1937 (Ex Sess) PA 4, MCL 38.93, is temporarily
7 suspended for the remainder of the 2019-2020 school year to the
8 extent necessary to waive any requirement for assessments or other
9 performance evaluations of teachers, except for teachers on an
10 individualized development plan on March 13, 2020, and district
11 administrators during the 2019-2020 school year.

12 (14) Notwithstanding any provision of this act to the
13 contrary, strict compliance with rules and procedures under section
14 1250(1), (3), and (4) is temporarily suspended for the remainder of
15 the 2019-2020 school year.

16 (15) Notwithstanding any provision of this act to the
17 contrary, for the remainder of the 2019-2020 school year, a
18 district shall implement a process to issue grades to pupils in
19 grade 12, award credits needed for graduation, provide for
20 completion of the Michigan merit curriculum, issue diplomas to
21 pupils in grade 12, and reflect continued learning by pupils in
22 grade 12 pursuant to this section. When implementing this
23 subsection, a district may, without limitation, use 1 or more of
24 the following options:

25 (a) Award credits and grades for courses taken based on
26 coursework through March 11, 2020.

27 (b) Provide an optional final exam or other culminating
28 activity to test pupil understanding of the subject matter of a
29 course to the extent practicable.



1 (c) Implement a process for pupils in grade 12 to be certified
2 as eligible to graduate using a prior learning assessment, a
3 portfolio, or a resume approach.

4 (d) Offer an interdisciplinary culminating activity that
5 encompasses essential standards missed by pupils due to the closure
6 of schools.

7 (16) Notwithstanding any provision of this act to the
8 contrary, districts shall provide a pupil who is in grade 12 in the
9 2019-2020 school year and who was failing a course as of March 11,
10 2020 an opportunity to the extent feasible to demonstrate learning
11 in the subject matter of the course and receive credit for the
12 course in the 2019-2020 school year, as determined by the district.

13 (17) Notwithstanding any provision of this act to the
14 contrary, strict compliance with rules and procedures under section
15 1166(2) is temporarily suspended for the remainder of the 2019-2020
16 school year so as to suspend the restriction on a high school from
17 issuing a diploma to a pupil who has not completed a 1-semester
18 course of study of 5 periods per week in civics.

19 (18) Notwithstanding any provision of this act to the
20 contrary, if, before March 11, 2020, a district was providing a
21 nonessential elective course to a nonpublic school pupil or
22 homeschool pupil in grade 12 at either a district, intermediate
23 district, or nonpublic school site under section 166b of the state
24 school aid act of 1979, MCL 388.1766b, and that course is required
25 for the pupil to graduate and receive a diploma, the district must,
26 to the extent feasible, continue to offer the nonessential elective
27 course to the pupil through alternative modes of instruction for
28 the remainder of the 2019-2020 school year.

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



1 contrary, all of the following apply to the provision of special
2 education:

3 (a) Districts shall strive in good faith and to the extent
4 practicable, based upon existing resources, technology, training,
5 and curriculum, as well as the circumstances presented by any state
6 of emergency or state of disaster, to provide equal access to
7 alternative modes of instruction to students with disabilities from
8 birth to age 26 for the remainder of the 2019-2020 school year.
9 This includes the provision of auxiliary services under section
10 1296.

11 (b) While either the COVID-19 state of emergency or state of
12 disaster, or both, continue, districts shall comply with guidance
13 from the United States Department of Education, including its
14 Office of Civil Rights and Office of Special Education and
15 Rehabilitative Services, and the department concerning the delivery
16 of alternative modes of instruction to students with disabilities
17 in light of the impact of COVID-19.

18 (c) Districts shall, to the extent practicable and necessary,
19 make individualized determinations whether and to what extent
20 compensatory services may be needed for pupils after the school
21 closure period prompted by the COVID-19 state of emergency or state
22 of disaster ends.

23 (d) Subject to federal law, a district or a nonpublic school
24 that has been allocated federal funds for the 2019-2020 school year
25 for the purpose of providing special education services must not be
26 penalized or required to repay the funds by this state due to the
27 inability to provide those services in person during the 2019-2020
28 school year after March 11, 2020.

29 (e) Within 5 days after the effective date of Executive Order



1 No. 2020-35, the department and the department of civil rights are
2 strongly encouraged to continue to submit requests for
3 interpretation, guidance on implementation, flexibility, or waivers
4 to the United States Department of Education that would permit
5 districts and nonpublic schools to do 1 or more of the following
6 during the remainder of the 2019-2020 school year:

7 (i) Deliver instruction to all pupils, including students with
8 disabilities, without having to reconvene or amend individualized
9 education programs or section 504 plans.

10 (ii) Deliver direct and consultative related services such as
11 therapies, including occupational therapy and physical therapy,
12 speech language pathologist services, social service worker
13 services, teacher consultant services, and other special education
14 services and supports, without having to reconvene or amend
15 individualized education programs or section 504 plans.

16 (iii) Complete individualized education programs and section 504
17 plans online, either by telephone conference or video conference,
18 if the parents or guardians involved have access to the technology
19 and agree to the alternative means of participation. If a parent or
20 guardian elects not to participate in an otherwise due
21 individualized education program online, a district is permitted to
22 extend the deadline for completion of the individualized education
23 program for up to 30 school days after the school closure period
24 prompted by the COVID-19 state of emergency or state of disaster
25 ends.

26 (iv) Complete annual or otherwise due individualized education
27 programs online, either by telephone conference or video
28 conference, with those individualized education programs being
29 considered timely if they are completed by the end of the 2019-2020



1 school year.

2 (v) Consider whether a pupil should be provided compensatory
3 education for pupils after the school closure period prompted by
4 the COVID-19 state of emergency or state of disaster ends, based on
5 applicable law and guidance, no later than the first annual
6 individualized education program meeting of the 2020-2021 school
7 year.

8 (vi) Consider compensatory education for pupils who are more
9 likely to qualify for compensatory education through individualized
10 education program amendments, with the authority to complete those
11 individualized education program amendments online, either by
12 telephone conference, virtual meetings, or other existing
13 technology.

14 (vii) Other requests the department deems necessary to
15 facilitate the delivery of alternative modes of instruction with
16 equal access.

17 (f) This section does not require that an individualized
18 education program be amended.

19 (20) Notwithstanding any provision of this act to the
20 contrary, strict compliance with rules and procedures under section
21 1281(3) is temporarily suspended for the remainder of the 2019-2020
22 school year so as to suspend for the remainder of the 2019-2020
23 school year the requirement that a district, university school, or
24 intermediate district apply for a limited time waiver from a
25 department rule interpreting or implementing a provision of this
26 act and so as to permit the superintendent of public instruction to
27 temporarily suspend a department rule interpreting or implementing
28 a provision of this act to facilitate the implementation of this
29 section or section 296a of the state school aid act of 1979, MCL



1 388.1896a.

2 (21) Notwithstanding any provision of this act to the
3 contrary, the superintendent of public instruction may not grant a
4 waiver from the duty to comply with a provision of this act and may
5 not grant a waiver from the duty to comply with another state
6 statute unless and to the extent that a waiver is specifically
7 allowed under this act or by that other state statute.

8 (22) Notwithstanding any provision of this act to the
9 contrary, strict compliance with rules and procedures under section
10 1531(2) is temporarily suspended until June 30, 2020, so as to
11 permit the superintendent of public instruction to issue a
12 temporary 1-year teaching certificate to an otherwise qualified
13 individual who is unable to take an appropriate subject area
14 examination required under section 1531(2) due to COVID-19 or
15 accompanying response efforts.

16 (23) Notwithstanding any provision of this act to the
17 contrary, strict compliance with rules and procedures under section
18 1531(3) is temporarily suspended until June 30, 2020, so as to
19 permit the superintendent of public instruction to issue a
20 temporary 1-year teaching certificate to an individual holding a
21 teaching certificate from another state or a teaching degree from
22 an out-of-state teacher preparation institution who applies for a
23 Michigan teaching certificate, is otherwise qualified, but is
24 unable to take an appropriate subject area examination required
25 under section 1531(3) because the examination is not offered due to
26 COVID-19 or accompanying response efforts.

27 (24) Notwithstanding any provision of this act to the
28 contrary, strict compliance with rules and procedures under section
29 1531d is temporarily suspended until June 30, 2020, so as to permit



1 the superintendent of public instruction to temporarily waive the
2 requirement that an individual seeking a teaching certificate
3 successfully complete a course approved by the department in first
4 aid and cardiopulmonary resuscitation and instruction approved by
5 the department in foreign body airway obstruction management when
6 the individual is unable to complete the course or the instruction
7 because the course or the instruction is not offered due to COVID-
8 19 or accompanying response efforts.

9 (25) Notwithstanding any provision of this act to the
10 contrary, strict compliance with rules and procedures under section
11 153li(2)(c) is temporarily suspended until June 30, 2020, so as to
12 permit the superintendent of public instruction to issue an interim
13 teaching certificate to an otherwise qualified individual who is
14 unable to take an appropriate subject area examination required
15 under section 153li(2)(c) because the examination is not offered
16 due to COVID-19 or accompanying response efforts.

17 (26) Notwithstanding any provision of this act to the
18 contrary, strict compliance with rules and procedures under R
19 390.1130(6) and (7) of the Michigan Administrative Code is
20 temporarily suspended until June 30, 2020, so as to permit the
21 superintendent of public instruction to extend the duration of a 1-
22 year temporary teacher employment authorization by an additional
23 year if the holder of the 1-year temporary teacher employment
24 authorization is unable to complete the requirements to obtain a
25 Michigan teaching certificate because the requirements cannot be
26 satisfied due to COVID-19 or accompanying response efforts.

27 (27) Notwithstanding any provision of this act to the
28 contrary, strict compliance with rules and procedures under section
29 1526 is temporarily suspended until June 30, 2020, so as to waive



1 for any teacher within his or her third year of employment the
2 requirement that the teacher receive at least 15 days of
3 professional development within the teacher's first 3 years of
4 employment if the requirement could not be completed due to COVID-
5 19 or accompanying response efforts.

6 (28) Notwithstanding any provision of this act to the
7 contrary, strict compliance with rules and procedures under section
8 1527(1) is temporarily suspended so as to waive the requirement for
9 the 2019-2020 school year that a district or intermediate district
10 provide at least 5 days of teacher professional development.

11 (29) Notwithstanding any provision of this act to the
12 contrary, strict compliance with rules and procedures under section
13 1233(6) is temporarily suspended until June 30, 2020, so as to
14 permit the department to renew an individual's school counselor
15 credential regardless of whether the individual has completed at
16 least 25 hours of professional development approved by the
17 department under section 1233(8) covering counseling about the
18 college preparation and selection process and at least 25 hours of
19 professional development approved by the department under section
20 1233(8) covering career counseling.

21 (30) Notwithstanding any provision of this act to the
22 contrary, strict compliance with rules and procedures under section
23 21f of the state school aid act of 1979, MCL 388.1621f, is
24 temporarily suspended to the extent necessary to permit a district
25 under an approved continuity of learning and COVID-19 response plan
26 under this section to enroll a pupil in more than 2 virtual
27 courses, regardless of whether the virtual course is published in a
28 catalog of courses or a parent or guardian approves, and so as to
29 suspend any requirement to comply with minimum requirements to



1 count a pupil in membership established by the pupil accounting
2 manual.

3 (31) Notwithstanding any provision of this act to the
4 contrary, strict compliance with rules and procedures under section
5 1278a(4) is temporarily suspended until June 30, 2020, so as to
6 permit a district to determine a pupil has completed a credit
7 without using subject area content expectations or guidelines
8 developed by the department.

9 (32) Notwithstanding any provision of this act to the
10 contrary, strict compliance with rules and procedures under section
11 1280f(5) is temporarily suspended for the remainder of the 2019-
12 2020 school year so as to relieve a district of the obligations
13 imposed by that provision for the remainder of the 2019-2020 school
14 year, including the obligation to retain a pupil in grade 3.

15 (33) Notwithstanding any provision of this act to the
16 contrary, to mitigate the impact of COVID-19 on educational
17 outcomes, a district may adopt year-round school or a year-round
18 program for the 2020-2021 school year or start the 2020-2021 school
19 year before the first Monday in September. Notwithstanding any
20 provision of this act to the contrary, strict compliance with rules
21 and procedures under sections 1284a and 1284b is temporarily
22 suspended so as to permit a district to adopt year-round school, a
23 year-round program, or an early start for the 2020-2021 school
24 year. Adoption of measures provided in this subsection may be
25 included by a district as part of the district's continuity of
26 learning and COVID-19 response plan under this section.

27 (34) Notwithstanding any provision of this act to the
28 contrary, for a district with a collective bargaining agreement
29 that is in effect for employees of the district on or before the



1 date of the enactment of the amendatory act that added this
2 section, this section must be implemented by the district in a
3 manner consistent with the collective bargaining agreement.

4 (35) Before the department, the superintendent of public
5 instruction, or the department of civil rights seeks any guidance,
6 issues a waiver, or seeks a waiver relating to this section or
7 section 296a of the state school aid act of 1979, MCL 388.1896a, or
8 suspends an administrative rule pursuant to this section or section
9 296a of the state school aid act of 1979, MCL 388.1896a, the
10 superintendent of public instruction or the director of the
11 department of civil rights, as applicable, must provide the
12 governor in writing with a copy of the request or waiver and
13 information relating to the request, waiver, or suspension.

14 (36) In response to a COVID-19 state of emergency or state of
15 disaster, to ensure management of district and intermediate
16 district affairs and property in ways that will assist the response
17 to the COVID-19 state of emergency or state of disaster, districts
18 and intermediate districts are authorized and encouraged to donate
19 medical personal protective equipment and supplies to healthcare
20 providers and other necessary personnel engaged in response efforts
21 to COVID-19.

22 (37) Nothing in this section or section 296a of the state
23 school aid act of 1979, MCL 388.1896a, alters the inapplicability
24 of section 101(3) and (8) of the state school aid act of 1979, MCL
25 388.1701, to eligible pupils enrolled in a dropout recovery program
26 that meets the requirements of section 23a of the state school aid
27 act of 1979, MCL 388.1623a. As used in this subsection, "eligible
28 pupil" means that term as defined in section 23a of the state
29 school aid act of 1979, MCL 388.1623a.



1 (38) Notwithstanding any provision of this act to the
2 contrary, if, before March 11, 2020, a district was providing
3 nonessential elective courses to nonpublic school or homeschool
4 pupils at a district, intermediate district, or nonpublic school
5 site under section 166b of the state school aid act of 1979, MCL
6 388.1766b, and is able to continue to offer the nonessential
7 elective courses through alternative modes of instruction, then the
8 district may, to the extent feasible, provide for such courses in
9 its approved continuity of learning and COVID-19 response plan
10 under this section, and continue to offer the nonessential elective
11 courses to nonpublic school or homeschool pupils through
12 alternative modes of instruction for the remainder of the 2019-2020
13 school year.

14 (39) Notwithstanding any provision of this act to the
15 contrary, strict compliance with rules and procedures under
16 sections 162 and 163 of the state school aid act of 1979, MCL
17 388.1762 and 388.1763, is temporarily suspended so as to prevent
18 the forfeiture of funds resulting from the implementation of this
19 section or section 296a of the state school aid act of 1979, MCL
20 388.1896a.

21 (40) Notwithstanding any provision of this act to the
22 contrary, strict compliance with rules and procedures under
23 sections 1169, 1506, and 1507(6), and section 166a(1) of the state
24 school aid act of 1979, MCL 388.1766a, is temporarily suspended for
25 the 2019-2020 school year so as to waive instruction requirements
26 unmet in the 2019-2020 school year by a district before March 11,
27 2020, except as described in the district's approved continuity of
28 learning and COVID-19 response plan under this section.

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



1 contrary, strict compliance with rules and procedures under
2 sections 1561 and 1577 to 1599 is temporarily suspended to the
3 extent necessary to waive all compulsory attendance requirements
4 and enforcement measures under those sections for the 2019-2020
5 school year, consistent with this section, section 296a of the
6 state school aid act of 1979, MCL 388.1896a, and a district's
7 approved continuity of learning and COVID-19 response plan under
8 this section.

9 (42) Notwithstanding any provision of this act to the
10 contrary, strict compliance with rules and procedures under section
11 1170a(1) is temporarily suspended for the 2019-2020 school year so
12 as to waive cardiopulmonary resuscitation instruction requirements,
13 except as described in a district's approved continuity of learning
14 and COVID-19 response plan under this section.

15 (43) Notwithstanding any provision of this act to the
16 contrary, strict compliance with rules and procedures under
17 sections 3a and 3b of article II of 1937 (Ex Sess) PA 4, MCL 38.83a
18 and 38.83b, section 3 of article III of 1937 (Ex Sess) PA 4, MCL
19 38.93, and section 1249 is temporarily suspended until June 30,
20 2020, such that annual year-end performance evaluations described
21 in subsection (48) must give no consideration to criteria requiring
22 data or other information unavailable because a school district,
23 student, teacher, or administrator acts in conformance with this
24 section, section 296a of the state school aid act of 1979, MCL
25 388.1896a, or an executive order, other orders, or response efforts
26 prompted by a COVID-19 state of emergency or state of disaster.

27 (44) Notwithstanding any provision of this act to the
28 contrary, strict compliance with rules and procedures under
29 sections 3a and 3b of article II of 1937 (Ex Sess) PA 4, MCL 38.83a



1 and 38.83b, section 3 of article III of 1937 (Ex Sess) PA 4, MCL
2 38.93, and section 1249, is temporarily suspended to the extent
3 necessary to allow a teacher rated as highly effective or effective
4 on his or her annual year-end performance evaluation described in
5 subsection (48), given the application of subsection (43), for the
6 2019-2020 school year to accrue time toward completing the
7 teacher's probationary period under article II of 1937 (Ex Sess) PA
8 4, MCL 38.81 to 38.84.

9 (45) Notwithstanding any provision of this act to the
10 contrary, strict compliance with rules and procedures under
11 sections 3a and 3b of article II of 1937 (Ex Sess) PA 4, MCL 38.83a
12 and 38.83b, section 3 of article III of 1937 (Ex Sess) PA 4, MCL
13 38.93, and section 1249, is temporarily suspended so as to allow a
14 teacher rated as highly effective or effective on his or her annual
15 year-end performance evaluation described in subsection (48), given
16 the application of subsection (43), for the 2019-2020 school year
17 to maintain continuing tenure under article III of 1937 (Ex Sess)
18 PA 4, MCL 38.91 to 38.93.

19 (46) Nothing in this section prohibits an employing school
20 district from completing an annual year-end performance evaluation
21 for the 2019-2020 school year for a teacher on continuing tenure as
22 described in article III of 1937 (Ex Sess) PA 4, MCL 38.91 to
23 38.93, who has not been provided with an individualized development
24 plan. If the school district completes an annual year-end
25 performance evaluation for the 2019-2020 school year for a teacher
26 on continuing tenure who has not been provided with an
27 individualized development plan as described in this subsection,
28 the school district shall comply with subsections (43) and (48)
29 with regard to that teacher.



1 (47) Notwithstanding any provision of this act to the
2 contrary, strict compliance with rules and procedures under R
3 390.1137(1)(c), 390.1138(3), 390.1142(2)(d)(i), and 390.1142(3)(d)
4 of the Michigan Administrative Code, is temporarily suspended to
5 the extent necessary to permit the department to renew an
6 individual's teaching certificate or permit between the effective
7 date of Executive Order No. 2020-65 and the end of the individual's
8 certificate or period permit regardless of whether the individual
9 has received an annual year-end evaluation for the 2019-2020 school
10 year.

11 (48) Notwithstanding any provision of this act to the
12 contrary, any teacher who has an individualized development plan on
13 March 13, 2020 under section 3a of article II of 1937 (Ex Sess) PA
14 4, MCL 38.83a, or section 3 of article III of 1937 (Ex Sess) PA 4,
15 MCL 38.93, must be provided an annual year-end performance
16 evaluation by the employing school district in the 2019-2020 school
17 year. Both of the following apply to an annual year-end performance
18 evaluation described in this subsection:

19 (a) Subject to subsection (44), the teacher's annual year-end
20 performance evaluation must be determined based on the teacher's
21 performance at least through March 13, 2020, and be consistent with
22 section 1249, section 3a of article II of 1937 (Ex Sess) PA 4, MCL
23 38.83a, and section 3 of article III of 1937 (Ex Sess) PA 4, MCL
24 38.93, as affected by this section and section 1 of article XI of
25 1937 (Ex Sess) PA 4, MCL 38.181.

26 (b) Subject to subsection (44), the teacher's annual year-end
27 performance evaluation may also account for the teacher's
28 performance after March 13, 2020 through the end of the 2019-2020
29 school year, but must still be consistent with section 1249,



1 section 3a of article II of 1937 (Ex Sess) PA 4, MCL 38.83a, and
2 section 3 of article III of 1937 (Ex Sess) PA 4, MCL 38.93, as
3 affected by this section and section 1 of article XI of 1937 (Ex
4 Sess) PA 4, MCL 38.181, and may include a consideration of efforts
5 made by the teacher to prepare and provide remote student
6 instruction given the limitations resulting from the COVID-19
7 pandemic and accompanying response efforts.

8 (49) As used in this section:

9 (a) "Alternative modes of instruction" means modes of pupil
10 instruction, other than in-person instruction, that may include,
11 without limitation, partnerships with other districts or
12 intermediate districts or community colleges or institutions of
13 higher education, use of vendors, use of online learning, telephone
14 communications, electronic mail, virtual instruction, videos,
15 slideshows, project-based learning, use of instructional packets,
16 or a hybrid of multiple modes of learning that still promote
17 recommended practices for social distancing to mitigate the spread
18 of COVID-19.

19 (b) "District" means a school district or a public school
20 academy. District does not include an intermediate district, except
21 for an intermediate district that educates K-12 students.

22 (c) "Individualized education program" means that term as
23 described in R 340.1721e of the Michigan Administrative Code.

24 (d) "Intermediate district" means a corporate body established
25 under part 7.

26 (e) "Intermediate superintendent" means the superintendent of
27 an intermediate district.

28 (f) "Membership" means that term as defined in section 6(4) of
29 the state school aid act of 1979, MCL 388.1606(4).



1 (g) "Michigan Virtual School" means the Michigan Virtual
2 School referenced in section 98 of the state school aid act of
3 1979, MCL 388.1698.

4 (h) "Pupil" means that term as defined in section 6(6) of the
5 state school aid act of 1979, MCL 388.1606(6).

6 (i) "Section 504 plan" means a plan under section 504 of title
7 V of the rehabilitation act of 1973, 29 USC 794.

8 (j) "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 (50) 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 (13), (14), (34), (36), and (49) are effective
15 beginning March 11, 2020.

16 (b) Subsections (1), (2), (3), (5), (6), (7), (8), (9), (10),
17 (11), (12), (17), (20), (22), (23), (24), (25), (26), (27), (28),
18 (29), (30), (31), (32), (33), (37), (39), (40), (41), (42), (43),
19 (44), (45), (46), (47), and (48) are effective beginning March 16,
20 2020.

21 (c) Subsection (4), excluding subsection (4)(c)(vii) and
22 (4)(p), and subsections (21) and (35) are effective beginning April
23 2, 2020.

24 (d) Subsections (4)(p) and (38) are effective beginning April
25 3, 2020.

26 (e) Subsections (15), (16), (18), and (19) are effective
27 beginning April 28, 2020.

28 (f) Subsection (4)(c)(vii) is effective beginning April 30,
29 2020.



1 Sec. 1851c. (1) Notwithstanding any provision of this act to
2 the contrary, both of the following apply until June 1, 2020 in
3 response to the state of emergency described in Executive Order No.
4 2020-51:

5 (a) School districts and nonpublic schools must first identify
6 employees who voluntarily elect to become disaster relief child
7 care center participants before reassigning other employees to work
8 in these centers, to the extent authorized under applicable
9 contracts and laws.

10 (b) School districts and nonpublic schools may not require an
11 employee to work in a disaster relief child care center if any of
12 the following apply to the employee:

13 (i) The employee has a confirmed diagnosis of COVID-19.

14 (ii) The employee is displaying the symptoms of COVID-19.

15 (iii) The employee is 60 years of age or older.

16 (iv) The employee has an underlying condition that places the
17 employee at an elevated risk of serious illness from COVID-19.

18 (v) The employee has been in contact with someone with a
19 confirmed diagnosis of COVID-19 in the last 14 days.

20 (2) As used in this section, "disaster relief child care
21 center" means that term as defined in section 5m of 1973 PA 116,
22 MCL 722.115m.

23 (3) It is the intent of the legislature that the amendatory
24 act that added this section is retroactive and that it apply
25 retroactively beginning March 16, 2020.

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

29 (a) Senate Bill No. 873.



- 1 (b) Senate Bill No. 885.
- 2 (c) Senate Bill No. 925.

