

**THE STATE SCHOOL AID ACT OF 1979 (EXCERPT)**  
**Act 94 of 1979**

**388.1623g MI Kids Back-on-Track program.**

Sec. 23g. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2022-2023 only an amount not to exceed \$150,000,000.00 for payments to eligible recipients for implementing the MI Kids Back-on-Track program as described in this section.

(2) The department shall pay to each eligible recipient an equal amount per membership pupil who is not proficient in math or reading based on the most recent state summative assessment. Eligible recipients must use funding received under this section only for costs related to implementation of the MI Kids Back-on-Track program as described in this section. Implementation costs of the program include, but are not limited to, costs related to staffing, high-quality training, curriculum needs, student transportation needs, technology needs, materials, any purpose for which any district previously used funds allocated under section 98c, or other costs incurred as a result of the provision of services for the program.

(3) From the allocation in subsection (1), there is allocated \$600,000.00 to the Clinton County Regional Educational Service Agency to work with the Michigan Association of Intermediate School Administrators (MAISA), to do all of the following:

(a) Provide a report on tutoring programs eligible to be purchased by eligible recipients using the funding allocated under subsection (1).

(b) Develop and provide technical assistance to eligible recipients in selecting high-impact tutoring strategies and include their integration into eligible recipients' Michigan Integrated Continuous Improvement Process (MICIP) plans. Developing and providing technical assistance may include the design and integration of eligible tutoring programs within the MiStrategyBank.

(c) Collect, aggregate, and report data in collaboration with the MAISA Michigan Collaborative Hub. An amount not to exceed \$300,000.00 of the funds allocated under this subsection may be used for this purpose.

(d) Provide an annual report of tutoring programs to the office of the governor, senate and house education committees, the senate and house appropriations subcommittees on school aid, the state budget director, and the department based on the criteria described in subsection (4) to be included in the MiStrategyBank, and the educational effectiveness as documented at least through data submitted through the Michigan data hub.

(4) The list of eligible tutoring programs contained within the MiStrategyBank must only consist of tutoring programs, including, but not limited to, those created by for-profit vendors, nonprofit vendors, intermediate districts, districts, and the Michigan Schools for the Deaf and Blind, that are aligned with high-impact tutoring that must include all of the following criteria:

(a) Tutoring is provided in groups of 4 or fewer students.

(b) The tutor or tutors provide consistent service to students throughout the school year.

(c) Tutoring is provided a minimum of 3 times per week for at least 20 to 30 minutes per session.

(d) Except as otherwise provided in this subdivision, tutoring is implemented throughout the school day. Tutoring that is a before- or after-school program may be approved if the tutoring meets the other criteria described in this subsection.

(e) Trained tutors provide the tutoring. Trained tutors may include teachers, paraprofessionals, community providers, AmeriCorps members, or other individuals who have received training.

(f) The program uses a high-quality curriculum that utilizes research-based strategies that are aligned with state academic standards.

(g) Tutoring is data-driven and includes the use of formative assessments and student progress measures that meet criteria in subdivision (h).

(h) Progress monitoring is part of the tutoring program, and includes using curriculum-based measures that include all of the following:

(i) Identification of a valid, reliable progress monitoring assessment tool that is curriculum-based.

(ii) Implementation of standardized procedures for collecting data.

(iii) Standardized repeated assessments over time that are graphed.

(iv) Comparisons with a goal set using validated strategies.

(v) Collecting data with fidelity, documented by direct observation using a checklist with immediate performance feedback.

(vi) Graphed progress monitoring data that is reviewed by a team every 4 to 8 weeks to determine student response to intervention.

(i) Progress monitoring tools that must do all of the following:

(i) Have a sufficient number of alternate forms.

(ii) Specify minimum acceptable growth.

- (iii) Provide criterion-referenced or norm-referenced benchmarks.
- (iv) Possess validity and reliability for the performance score.
- (j) Tutoring fidelity is established through direct observation using a checklist with immediate performance feedback provided by a qualified staff person, such as an instructional coach.
- (k) Tutoring does not replace Tier 1 or core instruction time or curricula for reading or math.
- (l) Tutoring is supplemental to core academic instruction and not a replacement for core academic instruction.
- (m) Tutoring assessment and intervention is evidence-based, with experimental research studies, 1 of which must be published or pending publication in a peer-reviewed publication.
- (5) All tutoring programs in the MiStrategyBank must be reviewed by MAISA. If necessary, MAISA may convene a committee to review tutoring programs for inclusion in the MiStrategyBank. The committee described in this subsection must include all of the following members:
  - (a) Two certified teachers representing elementary and secondary schools.
  - (b) A representative from the MiMTSS TA Center.
  - (c) A representative from an institution of higher education with a teacher preparation college.
  - (d) Two representatives of the department.
  - (e) One representative of the MAISA Michigan Collaboration Hub.
  - (f) An intermediate district designee with a background in English language arts.
  - (g) An intermediate district designee with a background in mathematics.
  - (6) A district, intermediate district, or the Michigan Schools for the Deaf and Blind that meets all of the following is an eligible recipient under this section:
    - (a) It applies for funding in a form and manner prescribed by the department. An intermediate district may apply on behalf of its constituent districts.
    - (b) It posts a MI Kids Back-on-Track plan to its website homepage that describes evidence-based actions the district, intermediate district, or Michigan Schools for the Deaf and Blind is taking to respond to student needs related to unfinished learning and how funds received under this section will create or expand these efforts. The plan described in this subdivision must meet the following criteria:
      - (i) Reflect input from educators, parents and legal guardians, and community members.
      - (ii) Include an analysis of student data and describe student needs.
      - (iii) Identify evidence-based best practices to be implemented or expanded in response to student needs.
      - (iv) Include a plan to implement identified tutoring in the district's, intermediate district's, or Michigan Schools for the Deaf and Blind's MICIP plan.
    - (c) It implements and maintains functionality on its website homepage that allows parents, legal guardians, and students to request additional assistance through the MI Kids Back-on-Track program.
    - (d) It provides transparency reporting on the MI Kids Back-on-Track program spending, including posting on its website a transparency dashboard concerning funding from the federal elementary and secondary school emergency relief fund used for the program, in a form and manner prescribed by the department.
    - (e) It ensures that all tutoring is supported by individuals who provide training and coaching. The individuals described in this subdivision shall meet all of the following criteria:
      - (i) Have established knowledge and expertise in all aspects of the tutoring program.
      - (ii) Support the integration of the tutoring into a school's multi-tiered systems of support framework.
      - (iii) Support and provide initial and ongoing professional development or training of tutors.
      - (iv) Participate in or lead data review meetings of graphed progress monitoring data of all students being tutored every 4 to 8 weeks.
    - (v) Provide fidelity checks for program implementation using a checklist with immediate performance feedback.
    - (f) By September 1 of each fiscal year for which it receives funding under this section, it pledges to provide data through MiDataHub that includes the outcomes and performance measures of the tutoring program, including, but not limited to, the degree to which tutoring is demonstrating sufficient efficacy and impact. The data submission under this subdivision must include all of the following:
      - (i) Children and schools receiving tutoring.
      - (ii) Number of children and schools served.
      - (iii) Demographics of children served.
      - (iv) Dosage of tutoring, including frequency and minutes per week.
      - (v) Percentage of tutoring occurring on days possible.
      - (vi) Whether the assessments and interventions are implemented with fidelity. This portion of the report must include details on the total number of assessments and intervention fidelity checks completed and the range and mean of fidelity.

(vii) Student growth rate, such as average linear, and outcomes by grade or age level, in comparison to a criterion-referenced or norm-referenced targeted growth rate.

(viii) Exit rates of students who successfully complete the tutoring program.

(ix) Percentage of students who exit and then maintain their learning through the end of the school year as demonstrated by a valid and reliable assessment designed for this purpose, such as a universal screening assessment.

(x) Percentage of students who exit and then meet or exceed local spring universal screening targets for their grade level.

(xi) The impact of the programs on organizations and stakeholders, including, but not limited to, school administrators, teachers, kids, families, and tutors.

(7) If the department determines that the eligible recipient has misused the funds allocated under this section, the eligible recipient shall reimburse the department for the amount of state funding misused.

(8) If data required under subsection (6)(f) are not submitted via the MiDataHub by September 1 of the current fiscal year, the eligible recipient must forfeit future funding and may be required to reimburse funds.

(9) The evaluation of programs under this section must be conducted by an approved department evaluator. If an alternative evaluator is desired, the eligible recipient must submit a request in writing with rationale to the department on or before January 1 of the current fiscal year.

(10) The superintendent of public instruction shall provide guidelines to eligible recipients on evidence-based best practices and effective strategies an eligible recipient may use to respond to unfinished learning and shall provide resources to assist eligible recipients in implementing the evidence-based practices, including through high-impact tutoring programs listed in the MiStrategyBank described in subsection (4). Guidelines may include technical assistance that may include, but is not limited to, planning, implementation, and training or coaching.

(11) The funds allocated under this section for 2022-2023 are a work project appropriation, and any unexpended funds for 2022-2023 are carried forward into 2023-2024. The purpose of the work project is to address unfinished learning. The estimated completion date of the work project is September 30, 2025.

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

(13) As used in this section, the "MI Kids Back-on-Track program" means programs provided before school, during school, after school, or during the summer, directly by the eligible recipient or in partnership with community-based organizations for students in any of grades pre-K to 12 in this state that are designed to address unfinished learning, get students to grade-level academic standards, provide additional academic assistance to students at risk of falling behind their peers, or help high school students prepare for postsecondary education.

(14) Notwithstanding section 18a, funds allocated under this section may be available for expenditure until September 30, 2027. A recipient of funding under this section must return any unexpended funds to the department in the manner prescribed by the department by not later than October 30, 2027.

**History:** Add. 2023, Act 103, Imd. Eff. July 21, 2023;—Am. 2024, Act 120, Imd. Eff. July 23, 2024.