

Legislative Update

March 19, 2020

American Rescue Plan: Education Overview

- \$220 billion for education, child care, and education related expenses
- \$125.8 billion to states/districts for education related expenses
 - Michigan will receive \$3,719,833,000 through the Elementary and Secondary School Emergency Relief Fund (ESSER III)
 - \$3,254,853,875 will be distributed through Title I, Part A formula
 - 20% must be used to address learning loss via evidence-based interventions that focus on students' academic, social and emotional needs.
 - MDE can elect to reserve \$371,983,300
 - \$185,991,650 (5%) must be spent on Learning Recovery Grants
 - \$37,198,330 (1%) must be spent on Summer Learning Programs
 - \$37,198,330 (1%) must be spent on After-School Programs
 - \$18,599,165 (0.5%) can be spent by MDE on Administrative Costs
 - \$92,995,825 (2.5%) in remaining funds to be spent by MDE
- \$2.5 billion for IDEA, which is a 20% increase over the current annual appropriation and would bring the federal share to 15.5%
- \$800 million to support homeless students
 - Michigan will receive \$24,397,387

American Rescue Plan: Education Overview

- Maintenance of Effort
 - States cannot reduce their per-pupil funding in high needs LEAs for the next two years by more than any overall per-pupil reduction in state funding; and states cannot reduce state funding for the highest poverty LEAs in their state below the state funding those LEAs receive in 2018-19. This would apply to both the 2022 and 2023 fiscal years.
 - LEAs cannot reduce combined state and local per-pupil funding and per-pupil full-time equivalent staffing for high poverty LEAs by more than any district-wide reductions. LEAs enrolling less than 1,000 students; and/or operating only on school building; and/or serving all students in a grade span in a single school year would be exempt. (Nearly half of the nation's LEAs would be exempt from this provision)
 - Waivers will be available to states, but not to districts.
- Opening Plan Requirement
 - Within 30 days of receiving funds, LEAs have to develop and make public a plan for the safe return to in-person instruction and continuity of educational services

American Rescue Plan: Allowed Use of ESSER III Funds

- Allowable uses for ARP closely mirror those of CARES I and CRRSA (CARES 2)
 - Any activity authorized in ESSA, IDEA and Perkins CTE
 - To coordinate with public health departments to prevent, prepare and respond to COVID-19
 - To address the unique needs of low-income students, students with disabilities, English-learners, racial and ethnic minorities, homeless and foster care youth
 - Purchasing educational technology
 - Summer learning, and supplemental after-school programs
 - Providing meals to eligible students
 - Addressing learning loss
 - School facility repairs and improvements including any machines/tech that deal with air quality, and other general operations needed which can include testing.
 - Implementing public health protocols including policies in line with guidance from the Centers for Disease Control and Prevention for school-reopening
 - Implementing activities to maintain the operation and continuity of services and to employ existing staff.
 - Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities; as well as school facility repairs and improvements to enable operation of schools to reduce risk of virus transmission.
 - PD for staff on sanitation and minimizing spread of pandemic and purchasing supplies to clean and sanitize buildings
 - Planning for and coordinating long-term closures including how to do meal services, how to provide tech/online learning, how to carry out IDEA, etc.
 - Providing mental health services/supports
 - Planning and implementing activities related to summer learning and afterschool programs, including providing classroom instruction or online learning during the summer months, and addressing the needs of vulnerable children
 - Any other activity necessary to maintain the operation and continuity to employ existing staff

American Rescue Plan: FAQ

When will my district receive the ESSER III funds?

We anticipate that these funds will get to Michigan quicker than the ESSER2 funds within the CRRSA.

The legislature has to appropriate the ESSER3 fund within 60 days from receiving them.

What is the deadline to spend the ESSER III funds?

Funds available through the 2023-2024 school year

Michigan Legislature: Supplemental

House Bill 4048 - \$1, 946,616,600 package inclusive of \$1.6b in Federal ESSER, \$125.7m in Federal GEER, and \$170.2m in School Aid Fund

- \$650m ESSER 2 Funds distributed to districts through Title 1A formula
- ~~\$840.7m of ESSER 2 Funds distribute to districts through Title 1A formula 14 days AFTER House Bill 4049 is enacted into law.~~
 - ~~HB 4049 would only allow for local health departments to make decision to close school or cancel school sports~~
 - ~~If this bill is not signed into law the funds will not be released.~~
- \$136m in School Aid Fund to districts not receiving \$450/pupil within the full ESSER2 funds will receive an appropriation to get them to \$450/pupil
 - Districts will only receive this funding if they pledge to offer 20 hours of in-person instruction per week to all pupils beginning March 22.
 - Boards must meet monthly to reaffirm their pledge to offer 20 hours of in-person instruction per week
- In order to receive the funds above, districts must submit a spending plan to MDE with 45 days after being signed into law - which must include:
 - Estimated spending of funds received for the allowable purposes described within the federal ESSER dollars
 - Disaggregated by the type of service provided

Michigan Legislature: Supplemental

- \$160.1m in ESSER funds (taken from the 10% MDE is able to withhold)
 - \$90m for summer programs offered as part of remediation (run as a grant program)
 - \$45m for credit recovery programs as part of remediation (run as a grant program)
 - \$17.4m before and after-school programs (run as a grant program)
 - \$4.9m for benchmark assessments
 - \$2.7m for MDE administration of funds
 - The bill would leave \$5.5m of available funds unused
- \$125.7m in Federal GEER (Governor's Emergency Education Relief) funds
 - ~~\$86.8m for nonpublic schools (as required by the feds)~~
 - \$21.3m for payments to staff for summer school (application program run by MDE - \$1,000/teacher, \$250/support staff)
 - ~~\$10m payments to parents with kids in summer school (\$50/child enrolled and up to \$200/child for expenses)~~
 - \$5m for before/after school programs run by CBOs
 - \$2.6m for benchmark assessments
- \$34.2m in School Aid Funds
 - \$10m MDE designated innovative summer and before/after-school programs (part of the grant programs)
 - \$20m for mental health
 - \$4.2m for benchmark assessments
- Sec. 167 (immunization records) - the bill would waive the financial penalty that requires districts to report immunization records for at least 95% for students.

Michigan Legislature: Supplemental – \$450 Equity Payment

- Districts that are eligible for the \$450 equity payment are those that will receive under \$450 per pupil within the full ESSER2 disbursement.
- In order to receive the funds, districts must offer 20 hours of in-person instruction to all students by March 22
 - “in-person instruction” means instruction that a pupil receives while he or she is physically present at a school building designated by the district in which he or she is enrolled.
- MDE has thus far refused to show interest in providing any flexibility around this language, hoping for a legislative fix.
- MDE will be releasing an FAQ on the 20-hour requirement on Friday, March 19th

Michigan Legislature: What's Next

- As of now, MDE will not be releasing guidance on the grant programs included within the supplemental. They are aware of the April 15th application deadline, but have asked the legislature for clarification before putting out guidance.
- SB 29 and SB 114
 - SB 29 – appropriates \$87m for private schools, \$10m for parent vouchers, and \$8.056m for full payments to school breakfast and lunch programs.
- More supplemental's
 - The legislature still has to appropriate the remaining \$840 million in ESSER2 funds
 - Potential changes within the most recent supplemental to provide clarity (or flexibility)
 - The legislature will need to appropriate the \$3.7 billion in ESSER3

Michigan Legislature: Education Reform Package

- **Teacher Evaluations – [SB 56](#)**

- Reforms rating categories from (4) highly effective, effective, minimally effective, and ineffective to (3) effective, emerging, and ineffective.
- Reduce student growth as a required percentage of teacher evaluations from 40% to 25%, permanently.
- Alter student growth formula from 50% state summative assessment / 50% local assessments to 100% local assessments for this year and return formula to 50%/50% for 2021-2022 school year.
- Expressly allow for schools to use benchmark assessments and Teacher-Student Data Link (TSDL) data as a part of the student growth formula.

- **Administrator Evaluations – [SB 57](#)**

- Reforms rating categories from (4) highly effective, effective, minimally effective, and ineffective to (3) effective, emerging, and ineffective.
- Reduce student growth as a required percentage of administrator evaluations from 40% to 25%, permanently.
- Expressly allow for schools to use benchmark assessments and Teacher-Student Data Link (TSDL) data as a part of the student growth formula.

- **Rating Category Changes – [SB 260](#)**

- Changing the rating categories from four categories; highly effective, effective, minimally effective, and ineffective to three categories; effective, emerging, and ineffective. The legislation addresses changes that are needed in the teacher tenure act while the Horn subs for SB 56 and 57 makes the same rating categorization changes for the educator evaluations statutes.

Michigan Legislature: Education Reform Package

- **Waiving MME & Offering SAT – [SB 261](#)**
 - Amends the School Code to waive the MME that is currently required in the spring on 2021. Schools are required to still offer the SAT. If the College Board offers administrations of the SAT in the summer or fall of 2021 as well, school districts must offer their students the opportunity to take the SAT at those points as well.
- **Waiving MSTEP & Offering SAT – [SB 262](#)**
 - Amends the School Aid Act to waive the MSTEP, MME, WorkKeys, WIDA for the spring of 2021. It requires schools to still offer the PSAT and SAT. If the College Board offers administrations of the SAT and PSAT in the summer or fall of 2021 as well, school districts must offer their students the opportunity to take the PSAT or SAT at those points as well.
- **3rd Grade Reading Retention – [SB 265](#)**
 - Delays implementation of 3rd grade reading loss retention until 2021-2022 school year.
- **Substitute Teachers – [SB 267](#)**
 - Allowing substitute greater teacher flexibility to ensure kids are in the classroom as much as possible. From now until end of summer.

Michigan Legislature: Education Reform Package

- **CEPI, Benchmark, & TSDL Data Reporting – [SB 263](#)**

- Require the Senate Majority Leader, the Speaker of the House, the chairs of both education committees, the chairs of both appropriation committees, and the chairs of the education appropriation subcommittees have clearance to all CEPI data equal to the executive director of CEPI.
- Require CEPI to submit a report to the legislature on fulfilling its obligation to collect all data on a classroom level in compliance with 388.1694a and submit each data set collected for the 2014-2015 school year and the 2020-2021 school year that links teachers to student information with personal information redacted.
- Require CEPI to report processed data back down to the schools.
- Require every school district to report their benchmark results by grade level and subgroup for the public.
- Require every school to submit all of its benchmark assessment student growth data, down to a classroom level, to CEPI with student names and teacher names redacted and then require CEPI to compile these student data reports and send this data to the House and Senate Education committees.

- **Individual Academic Assessment & Recovery Plans – [SB 266](#)**

- Requires every school to compile benchmark assessment data on each of their students and submit a snapshot of each kid's current academic performance compared to where they should be without COVID to their parents by May 15th, 2021.
- Requires every teacher from the 2020-21 school year to develop a learning recovery plan for each student for every subject they taught that student in the 2020-21 school year and send to each parent by August 14th, 2021.

Michigan Legislature: Education Reform Package

- **MSTEP Commission – [SB 264](#)**

- Establish an “Assessment Commission” as a permanent entity to replace the assessment functions of the MDE made up of appointees from the House, Senate and Governor
- The Commission would be responsible for creating an RFP for a new statewide summative assessment for grades 3-8 to replace the MSTEP. The commission will craft the RFP and have an ISD put it out.
- The ISD would:
 - Act as the fiduciary for all funding related to assessments moving forward
 - Be responsible for coordinating with the MDE, CEPI and other government agencies on any functions necessary to administer the assessment, gather the results and report them as required by state/federal law.
 - Oversee implementation of the new assessment starting in Spring 2022.
 - Qualifying ISD is defined as an ISD with a total combined pupil membership of greater than 40,000 and less than 50,000

- **Optional Student Retention – [SB 268](#)**

- Provide parents the express authority for their student to undergo retention and retake the grade they were in for the 2020-21 school year.
- Parents must notify school by June 1st, 2021.
 - Schools *must* retain students before June 1st
 - Schools *may* retain students after June 1st