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House Bill 5911 (Substitute S-1 as discharged)
House Bill 5912 (Substitute S-2 as discharged)
House Bill 5913 (Substitute S-1 as discharged)
Sponsor: Representative Gregory Markkanen (H.B. 5911)
Representative Andrea Schroeder (H.B. 5912)
Representative Annette Glenn (H.B. 5913)
House Committee: Education
Ways and Means
Senate Committee: Education and Career Readiness (discharged)

CONTENT

House Bill 5911 (S-1) would amend the State School Aid Act to specify that the Act's requirements and prohibitions concerning virtual courses would not apply to virtual courses offered as part of pandemic learning.

House Bill 5912 (S-2) would amend the State School Aid Act to do the following:

- Require, for 2020-21 only, each district superintendent to submit and certify to Center for Educational Performance and Information (CEPI) and the intermediate superintendent the number of pupils engaged in pandemic learning for fall 2020 and spring 2021.
- Specify that a provision requiring the Department of Education (MDE) to pay a district State aid in a reduced amount if a district does not have at least 75% of its membership on a day of pupil instruction would not apply for the 2020-21 school year only.
- Require, for the 2020-21 school year only, at least one two-way interaction per month for at least 75% of pupils in order to receive full State aid payments; if this requirement were not met, districts would face a reduction in State aid payments for the month, proportionate to the shortfall in attendance compared to 75%.
- Waive, for the 2020-21 school year only, the minimum number of hours and days of pupil instruction, and, instead, require districts to provide pupil instruction that resulted in an amount of hours and days necessary to deliver the educational or course content that would have been delivered in 180 days and 1,098 hours in a school year in which pandemic learning was not provided and that would have led to course completion.

House Bill 5913 (S-1) would amend the State School Aid Act to do the following:

- Modify the definition of "membership" to prescribe, for 2020-21 only, new membership formulas for districts, public school academies (PSAs), intermediate districts, and community districts; the formula would be 75% weighted on the 2019-20 membership blend plus 25% weighted on the 2020-21 membership blend.
- Specify that a district would be considered to be in session for purposes of a pupil membership count day when providing pupil instruction under an approved extended COVID-19 learning plan.
- Define "pandemic learning", "pupils engaged in pandemic learning for fall 2020", and "pupils engaged in pandemic learning for spring 2021"; this would allow pupils to be 'counted' in membership if instruction occurred in person, virtually, or some combination of these.

- Specify that, for 2020-21 only, there would be a supplemental pupil count of the number of full-time equated pupils engaged in pandemic learning for spring of 2021, or for a district that operated as a cyber school, the number of full-time equated pupils in grades K to 12 actually enrolled and in regular attendance in the district on the supplemental count day.
- Require a district to provide, for the 2020-21 school year, instruction under an approved extended COVID-19 learning plan in order to receive State aid for 2020-21.
- Require a district to ensure that at least one two-way interaction between a pupil and one of the pupil's teachers during the week on which 2020-2021 pupil membership count day fell and the week on which 2020-2021 supplemental pupil count day fell and during each week for three consecutive weeks thereafter for each count day.
- State that it is the intent of the Legislature that extended COVID-19 learning plans provide districts with maximum flexibility to adapt their programs for some or all of the schools operated by the district to respond to the pandemic.
- Prescribe requirements for an extended COVID-19 learning plan, including educational goals expected to be achieved for the 2020-21 school year, a description of how instruction would be delivered for the 2020-21 school year, and a requirement that a district ensure two two-way interactions occurred between a pupil and his or her teacher during each week of the school year for at least 75% of the pupils enrolled in the district.
- Require districts to establish educational goals by September 15, 2020.
- Require a district that intended to provide instruction under an extended COVID-19 learning plan to submit its plan to the intermediate district in which it was located (or, for a PSA, its authorizing body) by October 1, 2020, and require the intermediate district or authorizing body, as applicable, to approve the plan if it included all of the required elements.
- Require an approved extended COVID-19 learning plan to be made accessible through the transparency reporting link on a district's website by October 1, 2020.
- Specify that the proposed requirements for an extended COVID-19 learning plan would not apply to a district that operated as a cyber school.
- Allow, for 2020-21 only, each district superintendent to submit and certify to CEPI and the MDE the number of pupils engaged in pandemic learning for fall 2020 and spring 2021.
- State that it is the intent of the Legislature that statewide implementation of the Michigan Kindergarten Entry Operation Tool (MKEO) be suspended for 2020-21.
- Beginning in 2021, require the MKEO to be administered within 45 days after the start of the school year, and require reporting and other requirements to begin in 2022 instead of 2021.
- Specify that, in order to receive State aid for 2020-21, a district would have to administer one benchmark assessment within the first nine weeks of the school year and a second before the last day of the school year.
- Require the MDE to approve at least four but not more than five providers of benchmark assessments and to inform districts of all approved providers in an equitable manner.
- Prescribe requirements for approved benchmark assessments.
- Require the MDE to make one assessment available to districts at no cost.
- Require a district, by June 30, 2021, to send the aggregate district-level data from a benchmark assessment, excluding data from a local assessment, to a regional data hub that was part of the Michigan data hub network, which would have to compile the data and send it to CEPI.
- Require a district that provided instruction under an approved extended COVID-19 learning plan to provide progress reports on its education goals by February 1, 2021, to report on progress toward overall goals by the end of the 2020-21 school year, and to ensure that these reports could be retrieved through the district's website.
- Require the MDE and the CEPI, by August 1, 2021, to provide a report to Governor and the Senate and House standing committees responsible for education legislation

identifying the number and percentage of pupils statewide who were significantly behind grade level.

- Prohibit the benchmark assessment data from being used for the State accountability system.
- Specify that, if a district used a local benchmark assessment, the district would have to report to the MDE and CEPI the assessment that was administered and how it measured changes, including losses in learning.
- State that it is the intent of the Legislature to appropriate funding for a study, to be conducted by a higher education institution or other entity that is not a State governmental entity, that must accomplish all of the following: provide for an assessment of distance-learning programs used that were effective at meeting educational goals and attainment, provide for an assessment of how the programs operated, provide for an assessment of best practices to be replicated by schools engaged in distance learning, and note distance-learning models that were ineffective in achieving educational goals.

The bills are tie-barred.

MCL 388.1621f (H.B. 5911)
388.1701 (H.B. 5912)
388.1606 et al. (H.B. 5913)

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bills likely would increase State costs and would have an indeterminate impact on school districts, PSAs, and intermediate school districts (ISDs). The increase in State costs would be due primarily to the proposed change in how to pay districts and PSAs for pupils in membership. Under the bills, districts and PSAs would receive a 75% weight on the 2019-20 blended count plus a 25% weight on the 2020-21 blended count; it is estimated that this would cost the State \$45.0 million. Districts and PSAs that otherwise would have had declining enrollment from 2019-20 to 2020-21 would see increased State payments because of this proposed change compared to what they would receive under current law, while districts and PSAs that otherwise would have seen increases in enrollment (and increased foundation allowance payments) would see less revenue than under current law.

By defining and allowing districts to count students in membership whether instruction was provided remotely, in-person, or a combination of the two, the bills would provide certainty and flexibility for delivery of instruction. The counting of students in membership is the primary method districts are paid; the bills would allow districts to 'count' students even if the students were not in seats on the count day.

Districts and PSAs would have to provide instruction under an extended learning plan that was approved by an ISD or authorizing body, or face losing State aid. The bills specify requirements to be included in the plan. Districts and PSAs would be required to administer at least one benchmark assessment twice a year (or lose State aid), but the bills would require the MDE to make one benchmark available at no charge. (The Smarter Balanced test is a benchmark assessment that the State has already purchased and could be made available if it were designated as an approved benchmark.)

Intermediate school districts could see increased administrative costs in approving extended COVID-19 learning plans submitted by districts.

Districts and PSAs would be required to ensure that one, two-way interaction occurred between at least 75% of students and their teachers at least once per month; if this minimum level of interaction did not occur, the district or PSA would lose that proportion of State aid

payments reflective of the amount by which the 75% threshold was not met. The bills would remove penalties for failing to meet required numbers of days and hours of instruction; however, districts and PSAs would have to provide instruction in an amount that would deliver the course content that would have been delivered in 180 days and 1,098 hours in a nonpandemic year.

House Bill 5913 (S-1) would suspend the administration of the Kindergarten Readiness Assessment for 2020-21. This likely would result in State savings of \$2.5 million for fiscal year (FY) 2020-21. The Department and CEPI could see increased reporting costs related to providing reports identifying the number and percentage of pupils in the State who were significantly behind grade level. If the Legislature funded a study (per the intent language in House Bill 5913 (S-1)), there could be study costs in FY 2020-21, unless the study were funded out of existing resources.

Date Completed: 8-15-20

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